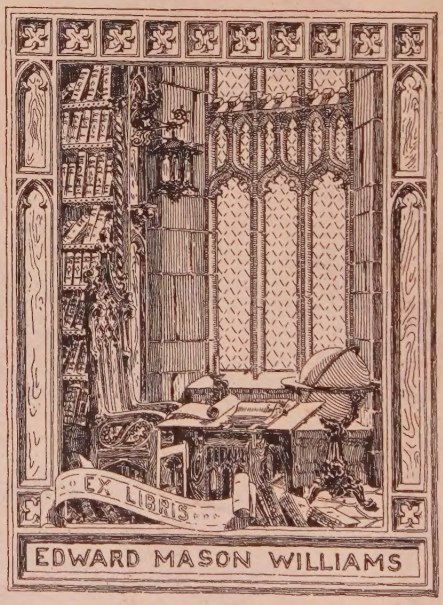
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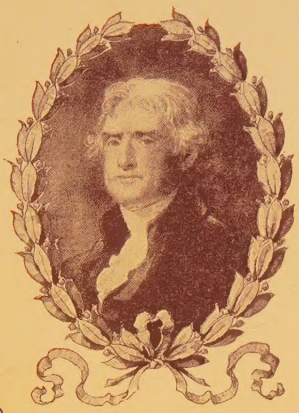

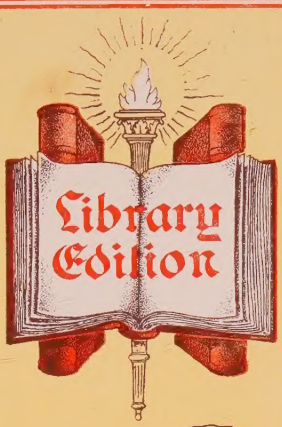

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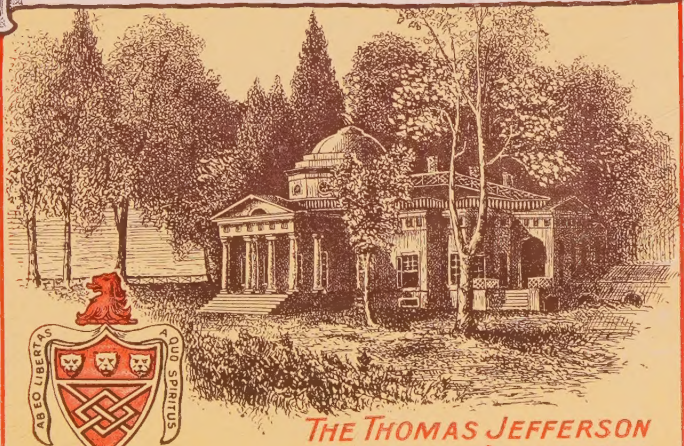

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THOMAS JEFFERSON

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INCLUDING

ALL OF THE ORIGINAL MANUSCRIPTS, DEPOSITED IN THE DEPARTMENT OF STATE AND PUBLISHED IN 1853 BY ORDER OF THE JOINT COMMITTEE OF CONGRESS

WITH NUMEROUS ILLUSTRATIONS

AND

A COMPREHENSIVE ANALYTICAL INDEX

ANDREW A. LIPSCOMB, *Chairman Board of Governors*
EDITOR-IN-CHIEF

ALBERT ELLERY BERGH
MANAGING EDITOR

VOL. VIII.

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THE STATUTE FOR ESTABLISHING RELIGIOUS FREEDOM.

Jefferson was a political philosopher, and thought far in advance of his time. And yet he differed in one essential particular from the philosophers who do not live to see the triumph of their ideas. He proclaimed great living truths, and then he applied those truths to the questions with which he had to deal. Some have contented themselves with laying down abstract principles, and have not sought to give them vitality in the present day; but Jefferson not only saw the future but he saw the present, and we have this great advantage in the study of the principles of Jefferson, that he gave us those principles embodied in legislation. I have been more and more surprised as I have studied the questions with which we have to deal, to find that there is no subject with which our people grapple to-day that he did not consider in principle. Take the questions that are subjects of controversy and you will find that he stated principles and applied principles at that time that apply to the questions at this time; and to-day we do not have to go beyond his writings to find

principles that will solve aright the problems of to-day. He saw great fundamental truths, self-evident truths, if you please; and I am coming to believe that there are not only self-evident truths but that all truth is self-evident—that the best service that a man can render to a truth is to state it so that it can be understood. Jefferson had the power of statement, and he stated the truths so that they could be understood. I do not mean to speak lightly of the work of Jefferson in purchasing the Louisiana territory, but if that territory had not been bought then it would have been bought afterward, for it was there, and it was necessary that it should become United States territory. I cannot believe that the purchase of that land—dull, inanimate matter—can be compared with the proclamation of immortal truth. I place far above any purchase of acres or square miles, the utterance of those truths upon which human liberty must rest. Philosophy is above geography. Jefferson rightly measured his own work when he looked back over a long and eventful life, and, ignoring the foot-hills of honor, saw only the mountain-peaks of service. He gave to us proof that the Bible is right when it fixes service as the measure of greatness. You will remember that when there was a controversy as to which should be greatest in the kingdom of heaven, and the question was brought to the Master, He said: "Let him who would be chiefest among you be the servant of all."

So Jefferson, when he looked back over his life, saw, not the things that he had received, but the things that he had given to the world; not the things men had done for him, but the things he had done for mankind.

I have been asked to write about the Statute for Establishing Religious Freedom, prepared by Thomas Jefferson, and enacted by the State of Virginia in 1786, about eight years after it was drafted. Let me quote you the statute:

> "That the General Assembly do enact that no man shall be compelled to frequent, or support, any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion and that the same shall in no wise diminish, enlarge, or affect their civil capacities."

The conciseness of Jefferson's style is well illustrated in this statute. Read it over. There is not a superfluous word, and yet there is enough to guard religious liberty. It is not strange that this doctrine, so well set forth by Jefferson more than a century ago, is now a part of the Constitution and Bill of Rights of every State of this Union. Not only is that to-day the law of this land, but it is spreading throughout the world. It was only a short time ago that the Czar of Russia issued a decree in which he acknowledged the right of all the subjects of his

empire to worship God according to the dictates of their own consciences, and I believe that when we come to measure the relative importance of things, the importance of an act like that, the very foundation upon which we build religious liberty—the importance of an act like that which, gradually spreading, has become the creed of eighty millions of people, and is ultimately to become the creed of all the world—when we come to consider the vast importance of a thing like that, how can we compare lands or earthly possessions with it?

In the preamble to this statute Jefferson set forth the main reasons urged by those who believed in religious freedom. Let me call attention to some of the more important ones. He said, in the first place, that to attempt to compel people to accept a religious doctrine, by act of law, was to make, not Christians but hypocrites. That was one of the reasons, and it was a strong one. He said, too, that there was no earthly judge who was competent to sit in a case and try a man for his religious opinions, for the judgment of the court, he said, would not be a judgment of law, but would be the personal opinion of the judge. What could be more true? No man who has religious convictions himself bears them so lightly that he can lay them aside and act as a judge when another man's religious convictions are involved. Then he suggested—and I think that I am justified in elaborating upon this suggestion a moment—that religion does not need the support

of government to enable it to overcome error. Let me give the exact words of his report, for I cannot change them without doing injury to them:

> "And finally that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist of error, and has nothing to fear from the conflict unless, by human interposition, disarmed of her natural weapons—free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them."

Tell me that Jefferson lacked reverence for religion! He rather lacks reverence who believes that religion is unable to defend herself in a contest with error. He places a low estimate upon the strength of religion, who thinks that the wisdom of God must be supplemented by the force of man's puny arm.

Jefferson paid a tribute to the power of truth when he said that truth was able to overcome error in the open field; and it was this sublime confidence in the triumph of truth that distinguished him from many of the other great men of his time. In fact, of all the men who have lived upon this earth I know of no man who has surpassed Jefferson in his confidence in the ultimate triumph of truth; and upon what can people build if not upon faith in truth? Take from man his belief in the triumph of that which is right and he builds upon the sand. Give to man an abiding faith in the triumph of that which is true, and you give him the foundation of a moral character that can withstand all reverses.

It was this belief in the triumph of truth that made Jefferson favor free discussion, not only in religion but in everything; and one of the virtues of Jefferson was that he was consistent in applying his principles wherever they could be applied. I am not one of those who believe that Jefferson was inconsistent when he advocated the Louisiana purchase. He was in doubt whether the language of the Constitution, unamended, was such as to authorize the purchase of this territory; but never for a moment did he think that there was anything in the Constitution, in its letter or its spirit, to confine the United States to the original States. When he bought the territory his first thought was to ask for an amendment to the Constitution that would expressly ratify the act. But when the question was discussed it was found that his act was so universally approved that it was not considered necessary even to ask for an amendment. I do not believe that the purchase was inconsistent with his principles or utterances. I repeat, that one of the virtues of Jefferson was that he was consistent in applying his principles, no matter where those principles led him.

The same doctrine that he applied to Religion he applied to the Press, and I suppose no American—certainly no one who lived before the time of Andrew Jackson—ever had more reason than Jefferson to find fault with the untrue utterances of the Press. Yet, so great was his faith in the triumph of the

truth, and so willing was he to have error presented if truth could only be left free to combat it, that he was opposed to censorship of the Press, and I believe he gave expression to the strongest eulogy of the Press that any statesman has ever uttered, when he said that if he must choose between a government without newspapers, and newspapers without a government, he would prefer to risk the newspapers without a government. That is, he said that public opinion would measurably correct things if public opinion was left free; but that a government without the free expression of public opinion would soon become a despotism.

In the preamble to the Statute for Religious Freedom Jefferson put first that which I want to speak of last. It was that the regulation of the opinions of men on religious questions by law was contrary to the laws of God and to the plans of God. He pointed out that God had it in His power to control man's mind and body, but that He did not see fit to coerce the mind or the body into obedience to even the divine will; and that if God Himself was not willing to use coercion to force man to accept certain religious views, man uninspired and liable to error ought not to use the means that Jehovah would not employ. Jefferson realized that our religion was a religion of love and not a religion of force.

There has recently been published a little book called The Jeffersonian Bible, and in the fore part of that book there is a letter, written by Jefferson in

reply to an inquiry, in which he states his estimate of the teachings of Christ as compared with the philosophies of other religious teachers, and he pointed out the superiority of the philosophy of the Nazarene, in that, while other philosophies dealt with man's conduct, Christ's philosophy purified the fountain at its source—cleansed the heart.

He recognized that our religion is a religion of the heart, that it is propagated from heart to heart; and he recognized, too, that the heart controls human life. Jefferson was great in his intellect. I know of no mind that our Nation has produced that could express itself with more clearness, or with more logic; but I believe that there was in Jefferson that which was greater than his head. It was his heart. Greater than his intellect was his love for all mankind.

It has been said that it marks an epoch in history when God lets loose a thinker in the world. God let loose a thinker when Jefferson was born. Carlyle says that thought is stronger than artillery parks; that thought moulds the world like soft clay; that it writes and unwrites laws, makes and unmakes parliaments—and that back of every great thought is love; that love is the ruling force in the world. I believe it is true. I believe that Jefferson's greatness rests more upon his love of human kind than upon his intellect—great as was his intellect, and that he was great because his heart was big enough to embrace the world. And the people loved him

"because he first loved them." He wanted our religion to rest on the basis of love and not on the basis of force; and when we get down to the foundation of our government, and the foundation of our religion, we find that they alike rest on the doctrine of human brotherhood—on the doctrine "that all men are created equal," "that they are endowed by their creator with certain inalienable rights,"—rights that government did not give, rights that government cannot take away; that the object of government is to secure to the individual the enjoyment of his inalienable rights, and that governments derive their just powers from the consent of the governed. But all of these things rest upon that conception of human brotherhood which one cannot have unless he has the love that is back of every great thought. I believe that, when Jefferson assisted in establishing religious freedom, he assisted in giving to our government its strongest support. Chain the conscience, bind the heart, and you cannot have for the support of our form of government the strength and the enthusiasm it deserves. But let conscience be free to commune with its God, let the heart be free to send forth its love, and the conscience and the heart will be the best defenders of a government resting upon the consent of the governed.

I believe that Jefferson gave a complete theory of government when he gave us the doctrine of the Declaration of Independence, and he gave us the

two great supports of free government when he gave us universal education and an unfettered conscience. I am glad that the Jefferson Memorial Association is going to erect a monument to his memory. I say going to erect it, because I cannot believe that the American people need more than an opportunity to contribute to insure their contribution. I want this monument to be in keeping with the services of the man. I want it to stand as high as the monuments erected to warriors. I want it to testify to the world that the heroes of peace are as great as the heroes of war; that those who save human life are as great as those who take it, even though they take it in defence of a righteous cause. I want this monument to testify that a man can live for his country as well as die for his country.

But, anxious as I am that the Memorial Association shall erect a monument worthy of Jefferson, I thank God that Jefferson's memory needs no marble or bronze to perpetuate it. Erect your monument as high as you can, make it of material as enduring as you may, time will finally destroy it; the years will come and go, and at last that monument will disappear; but there is in the hearts of the people a monument that time cannot touch, and this monument, growing as the world grows, increasing as civilization increases, is a greater monument than the hand of man can rear. And as people measure the influence of Jefferson upon the destinies of the human race, they will be con-

vinced that the Bible is true when it says that "it is more blessed to give than to receive," for he gave the largest measure of service that man ever gave to man.

W. J. Bryan

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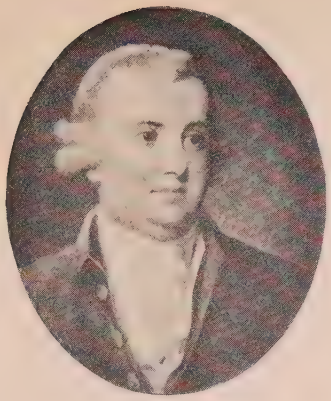

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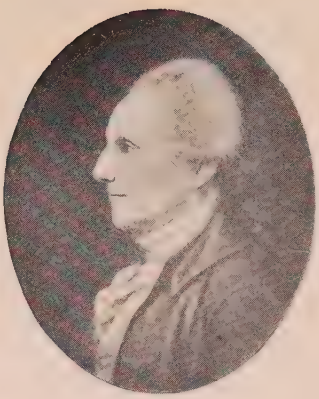

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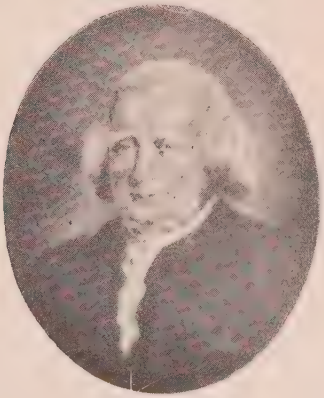

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CORRESPONDENCE.

LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES.

1789–1826.

JEFFERSON'S WORKS.

LETTERS WRITTEN AFTER HIS RETURN TO THE UNITED STATES.

1789–1826.

TO THE PRESIDENT.

CHESTERFIELD, December 15, 1789.

SIR,—I have received at this place the honor of your letters of October the 13th and November the 30th, and am truly flattered by your nomination of me to the very dignified office of Secretary of State; for which, permit me here to return you my humble thanks. Could any circumstance seduce me to overlook the disproportion between its duties and my talents, it would be the encouragement of your choice. But when I contemplate the extent of that office, embracing as it does the principal mass of domestic administration, together with the foreign, I cannot be insensible of my inequality to it; and I should enter on it with gloomy forebodings from the criticisms and censures of a public, just indeed in their intentions, but sometimes

misinformed and misled, and always too respectable to be neglected. I cannot but foresee the possibility that this may end disagreeably for me, who, having no motive to public service but the public satisfaction, would certainly retire the moment that satisfaction should appear to languish. On the other hand, I feel a degree of familiarity with the duties of my present office, as far at least as I am capable of understanding its duties. The ground I have already passed over, enables me to see my way into that which is before me. The change of government too, taking place in a country where it is exercised, seems to open a possibility of procuring from the new rulers, some new advantages in commerce, which may be agreeable to our countrymen. So that as far as my fears, my hopes, or my inclinations might enter into this question, I confess they would not lead me to prefer a change.

But it is not for an individual to choose his post. You are to marshal us as may best be for the public good; and it is only in the case of its being indifferent to you, that I would avail myself of the option you have so kindly offered in your letter. If you think it better to transfer me to another post, my inclination must be no obstacle; nor shall it be, if there is any desire to suppress the office I now hold, or to reduce its grade. In either of these cases, be so good only as to signify to me by another line your ultimate wish, and I shall conform to it cordially. If it should be to remain at New York, my

chief comfort will be to work under your eye, my only shelter the authority of your name, and the wisdom of measures to be dictated by you and implicitly executed by me. Whatever you may be pleased to decide, I do not see that the matters which have called me hither, will permit me to shorten the stay I originally asked; that is to say, to set out on my journey northward till the month of March. As early as possible in that month, I shall have the honor of paying my respects to you in New York. In the meantime, I have that of tendering you the homage of those sentiments of respectful attachment with which I am, Sir, your most obedient, and most humble servant.

TO THE REV. CHARLES CLAY.

MONTICELLO, January 27, 1790.

DEAR SIR,—I had hoped that during my stay here I could have had the pleasure of seeing you in Bedford, but I find it will be too short for that. Besides views of business in that country, I had wished again to visit that greatest of our curiosities, the Natural Bridge, and did not know but you might have the same desire. I do not know yet how I am to be disposed of, whether kept at New York, or sent back to Europe. If the former, one of my happinesses would be the possibility of seeing you there; for I understand you are a candidate for the representation of your district in Congress.

I cannot be with you to give you my vote, nor do I know who are to be the competitors, but I am sure I shall be contented with such a representative as you will make; because I know you are too honest a patriot not to wish to see our country prosper by any means, though they be not exactly those you would have preferred; and that you are too well informed a politician, too good a judge of men, not to know, that the ground of liberty is to be gained by inches, that we must be contented to secure what we can get, from time to time, and eternally press forward for what is yet to get. It takes time to persuade men to do even what is for their own good. Wishing you every prosperity in this, and in all your other undertakings (for I am sure from my knowledge of you they will always be just), I am, with sincere esteem and respect, dear Sir, your friend and servant.

TO PRESIDENT WASHINGTON.

MONTICELLO, February 14, 1790.

SIR,—I have duly received the letter of the 21st of January with which you have honored me, and no longer hesitate to undertake the office to which you are pleased to call me. Your desire that I should come on as quickly as possible, is a sufficient reason for me to postpone every matter of business, however pressing, which admits postponement. Still, it will be the close of the ensuing week before I can

get away, and then I shall have to go by the way of Richmond, which will lengthen my road. I shall not fail, however, to go on with all the despatch possible, nor to satisfy you, I hope, when I shall have the honor of seeing you in New York, that the circumstances which prevent my immediate departure, are not under my control. I have now that of being, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO JOHN JAY, CHIEF JUSTICE OF THE UNITED STATES.

MONTICELLO, February 14, 1790.

DEAR SIR,—I am honored with your favor of December 12, and thank you for your friendly congratulations on my return to my native country, as well as for the interest you are pleased to express in the appointment with which I have been honored. I have thought it my duty to undertake it, though with no prepossessions in favor of my talents for executing it to the satisfaction of the public. With respect to the young gentlemen in the office of foreign affairs, their possession and your recommendation are the strongest titles. But I suppose the ordinance establishing my office, allows but one assistant; and I should be wanting in candor to you and them, were I not to tell you that another candidate has been proposed to me, on ground that can-

not but command respect. I know neither him nor them, and my hope is, that, as but one can be named, the object is too small to occasion either mortification or disappointment to either. I am sure I shall feel more pain at not being able to avail myself of the assistance but of one of the gentlemen, than they will at the betaking themselves to some better pursuit. I ask it of your friendship, my dear Sir, to make them sensible of my situation, and to accept yourself assurances of the sincere esteem and respect with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO WM. HUNTER, ESQ., MAYOR OF ALEXANDRIA.

ALEXANDRIA, March 11, 1790.

SIR,—Accept my sincere thanks for yourself and the worthy citizens of Alexandria, for their kind congratulations on my return to my native country.

I am happy they have felt benefits from the encouragement of our commerce, which have been given by an allied nation. But truth and candor oblige me, at the same time, to declare, you are indebted for these encouragements solely to the friendly dispositions of that nation, which has shown itself ready on every occasion to adopt all arrangements which might strengthen our ties of mutual interest and friendship.

Convinced that the republican is the only form

of government which is not eternally at open or secret war with the rights of mankind, my prayers and efforts shall be cordially distributed to the support of that we have so happily established. It is indeed an animating thought, that while we are securing the rights of ourselves and our posterity, we are pointing out the way to struggling nations, who wish like us to emerge from their tyrannies also. Heaven help their struggles, and lead them, as it has done us, triumphantly through them.

Accept, Sir, for yourself and the citizens of Alexandria, the homage of my thanks for their civilities, and the assurance of those sentiments of respect and attachment with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO T. M. RANDOLPH.

NEW YORK, March 28, 1790.

DEAR SIR,—I arrived here on the 21st instant, after as laborious a journey of a fortnight from Richmond as I ever went through; resting only one day at Alexandria, and another at Baltimore. I found my carriage and horses at Alexandria, but a snow of eighteen inches deep falling the same night, I saw the impossibility of getting on in my own carriage, so left it there, to be sent to me by water, and had my horses led on to this place, taking my passage in the stage, though relieving myself a little sometimes by mounting my horse. The roads through

the whole way were so bad that we could never go more than three miles an hour, sometimes not more than two, and in the night but one. My first object was to look out a house in the Broadway, if possible, as being the centre of my business. Finding none there vacant for the present, I have taken a small one in Maiden Lane, which may give me time to look about me. Much business had been put by for my arrival, so that I found myself all at once involved under an accumulation of it. When this shall be got through, I will be able to judge whether the ordinary business of my department will leave me any leisure. I fear there will be little.

Letters from Paris to the 25th of December, inform me that the revolution there was still advancing with a steady pace. There had been two riots since my departure. The one on the 5th and 6th of October, which occasioned the royal family to remove to Paris, in which nine or ten of the Gardes de Corps fell, and among these a Chevalier de Daricourt, brother of Madame de La Dillatte, and of Mademoiselle Daricourt —— friend. The second was on the 21st of the same month, in which a baker had been hung by the mob. On this occasion, the government (*i. e.* the National Assembly) proclaimed Martial Law in Paris, and had two of the ringleaders of the mob seized, tried, and hung, which was effected without any movement on the part of the people. Others were still to be tried. The troubles in Brabant become serious. The insur-

gents have routed the regular troops in every rencounter.

Congress is principally occupied by the treasury report. The assumption of the State debts has been voted affirmatively in the first instance, but it is not certain it will hold its ground through all the changes of the bill when it shall be brought in. I have recommended Mr. D. R. to the President for the office he desired, in case of a vacancy. It seemed, however, as if the President had had no intimation before, that a vacancy was expected. *

* * * * Yours affectionately.

TO GEORGE JOY.

NEW YORK, March 31, 1790.

SIR,—I have considered your application for sea letters for the ship Eliza, and examined into the precedents which you supposed might influence the determination. The resolution of Congress, which imposes this duty on the Secretary for Foreign Affairs, provides expressly, "that it be made to appear to him by oath or affirmation, or *by such other evidence as shall by him be deemed satisfactory*, that the vessel is commanded by officers, citizens of the United States." Your affidavit satisfies me that one of the officers is a citizen of the United States; but you are unacquainted with the others and without evidence as to them, and even without a presumption that they are citizens, except so far

as arises on the circumstances of the captain's being an American, and the ship sailing from an American port. Now, I cannot in my conscience say, that this is *evidence of the fact, satisfactory to my mind.* The precedents of relaxation by Mr. Jay, were all between the date of the resolution of Congress (February the 12th, 1788) and his public advertisement, announcing the evidence which must be produced. Since this last, the proceedings have been uniform and exact. Having perfect confidence in your good faith, and therefore without a suspicion of any fraud intended in the present case, I could have wished sincerely to grant the sea letter; but besides the letter of the law which ties me down, the public security against a partial dispensation of justice, depends on its being dispensed by certain rules. The slightest deviation in one circumstance, becomes a precedent for another, that for a third, and so on, without bounds. A relaxation in a case where it is certain no fraud is intended, is laid hold of by others, afterwards, to cover fraud. I hope, therefore, you will be sensible of the necessity of my adhering to the rules which have been published and practised by my predecessor; and that I am with great respect, Sir, your most obedient, and most humble servant.

TO DOCTOR WILLARD.

NEW YORK, April 1, 1790.

I have duly received the letter wherein you are so good as to notify to me the honor done me by the American Academy of Arts and Sciences, in electing me one of their members, together with the diploma therein enclosed; and I beg leave through you, Sir, to return to the Academy the homage of my thanks for their favor, and to express to them the grateful sense I have of it. I only regret the small prospect I have of being useful to them, engaged as I continually am in occupations less pleasing to me, and which would be better performed by others. Unacquainted with the duties which the election into your Academy imposes on me, I can only express my desire of fulfilling them on their being made to me.

Mr. Read has explained to me his drawings and models. They prove that he merits the character you are pleased to give of him. He waits at present the passage of a law for securing to inventors the benefit of their own ingenuity. I have the honor to be, with the most respectful esteem, Sir, your most obedient, and most humble servant.

TO THE MARQUIS DE LAFAYETTE.

NEW YORK, April 2, 1790.

Behold me, my dear friend, elected Secretary of State, instead of returning to the far more agreeable

position which placed me in the daily participation of your friendship. I found the appointment in the newspapers the day of my arrival in Virginia. I had indeed been asked while in France, whether I would accept of any appointment at home, and I had answered that, not meaning to remain long where I was, I meant it to be the last office I should ever act in. Unfortunately this letter had not arrived at the time of arranging the new Government. I expressed freely to the President my desire to return. He left me free, but still showing his own desire. This, and the concern of others, more general than I had a right to expect, induced, after three months parleying, to sacrifice my own inclinations. I have been here, then, ten days harnessed in new gear. Wherever I am, or ever shall be, I shall be sincere in my friendship to you and to your nation. I think with others, that nations are to be governed with regard to their own interests, but I am convinced that it is their interest, in the long run, to be grateful, faithful to their engagements, even in the worst of circumstances, and honorable and generous always. If I had not known that the head of our government was in these sentiments, and that his national and private ethics were the same, I would never have been where I am. I am sorry to tell you his health is less firm than it used to be. However, there is nothing in it to give alarm. The opposition to our new Constitution has almost totally disappeared. Some few indeed had gone such lengths in

their declarations of hostility, that they feel it awkward perhaps to come over; but the amendments proposed by Congress, have brought over almost all their followers. If the President can be preserved a few years till habits of authority and obedience can be established generally, we have nothing to fear. The little vautrien, Rhode Island, will come over with a little more time. Our last news from Paris is of the 8th of January. So far it seemed that your revolution had got along with a steady peace; meeting indeed occasional difficulties and dangers, but we are not to expect to be translated from despotism to liberty in a feather-bed. I have never feared for the ultimate result, though I have feared for you personally. Indeed, I hope you will never see such another 5th or 6th of October. Take care of yourself, my dear friend, for though I think your nation would in any event work out her salvation, I am persuaded, were she to lose you, it would cost her oceans of blood, and years of confusion and anarchy. Kiss and bless your dear children for me. Learn them to be as you are, a cement between our two nations. I write to Madame de LaFayette, so have only to add assurances of the respect of your affectionate friend and humble servant.

MADAME DE CORNY.

NEW YORK, April 2, 1790.

I had the happiness, my dear friend, to arrive in Virginia, after a voyage of twenty-six days only, of

the finest autumn weather it was possible to have; the wind having never blown harder than we would have desired it. On my arrival I found my name in the newspapers announced as Secretary of State. I made light of it, supposing I had only to say "No," and there would be an end of it. It turned out, however, otherwise. For though I was left free to return to France, if I insisted on it, yet I found it better in the end to sacrifice my own inclinations to those of others. After holding off, therefore, near three months, I acquiesced. I did not write to you while this question was in suspense, because I was in constant hope of being able to say to you certainly that I should return. Instead of that, I am now to say certainly the contrary, and instead of greeting you personally in Paris, I am to write you a letter of adieu. Accept, then, my dear Madam, my cordial adieu, and my grateful thanks for all the civilities and kindnesses I have received from you. They have been greatly more than I had a right to expect, and they have excited in me a warmth of esteem which it was imprudent in me to have given way to for a person whom I was one day to be separated from. Since it is so, continue towards me those friendly sentiments I have always flattered myself you entertained; let me hear from you sometimes, assured that I shall always feel a warm interest in your happiness. Your letter of November 25 afflicts me; but I hope that a revolution so pregnant with the general happiness of the nation, will not in the

end injure the interests of persons who are so friendly to the general good of mankind as yourself and M. de Corny. Present to him my most affectionate esteem, and ask a place for me in his recollection. * *
Your affectionate friend and humble servant.

MADAME LA COMTESSE D'HOUDETOT.

NEW YORK, April 2, 1790.

Being called by our Government to assist in its domestic administration, instead of paying my respects to you in person as I had hoped, I am to write you a letter of adieu. Accept, I pray you, Madam, my grateful acknowledgments for the manifold kindnesses by which you added so much to the happiness of my stay in Paris. I have found here a philosophic revolution, philosophically effected. Yours, though a little more turbulent, has, I hope by this time, issued in success and peace. Nobody prays for it more sincerely than I do, and nobody will do more to cherish a union with a nation, dear to us through many ties, and now more approximated by the change in its government.

I found our friend Doctor Franklin in his bed—cheerful and free from pain, but still in his bed. He took a lively interest in the details I gave him of your revolution. I observed his face often flushed in the course of it. He is much emaciated. Monsieur de Crevecoeur is well, but a little apprehensive that the spirit of reforming and economizing may reach his

office. A good man will suffer if it does. Permit me, Madame la Comtesse, to place here my sincere respects to Monsieur le Comte Houdetot and to Monsieur de St. Lambert. The philosophy of the latter will have been greatly gratified to see a regeneration of the condition of man in Europe so happily begun in his own country. Repeating to you, Madam, my sense of your goodness to me, and my wishes to prove it on every occasion, adding my sincere prayers that Heaven may bless you with many years of life and health, I pray you to accept here the homage of those sentiments of respect and attachment with which I have the honor to be, Madame la Comtesse, your most obedient, and most humble servant.

TO MADAME LA DUCHESSE D'AUVILLE.

NEW YORK, April 2, 1790.

I had hoped, Madame la Duchesse, to have again had the pleasure of paying my respects to you in Paris, but the wish of our Government that I should take a share in its administration, has become a law to me. Could I have persuaded myself that public offices were made for private convenience, I should undoubtedly have preferred a continuance in that which placed me nearer to you; but believing, on the contrary, that a good citizen should take his stand where the public authority marshals him, I have acquiesced. Among the circumstances which will reconcile me to my new position, are the opportuni-

ties it will give me of cementing the friendship between our two nations. Be assured, that to do this is the first wish of my heart. I have but one system of ethics for men and for nations—to be grateful, to be faithful to all engagements under all circumstances, to be open and generous, promoting in the long run even the interests of both; and I am sure it promotes their happiness. The change in your government will approximate us to one another. You have had some checks, some horrors since I left you; but the way to Heaven, you know, has always been said to be strewed with thorns. Why your nation have had fewer than any other on earth, I do not know, unless it be that it is the best on earth. I assure you, Madam, moreover, that I consider yourself personally as with the foremost of your nation in every virtue. It is not flattery, my heart knows not that; it is a homage to sacred truth, it is a tribute I pay with cordiality to a character in which I saw but one error; it was that of treating me with a degree of favor I did not merit. Be assured I shall always retain a lively sense of your goodness to me, which was a circumstance of principal happiness to me during my stay in Paris. I hope that by this time you have seen that my prognostications of a successful issue to your revolution, have been verified. I feared for you during a short interval; but after the declaration of the army, though there might be episodes of distress, the denouements was out of doubt. Heaven send that the glorious example of

your country may be but the beginning of the history of European liberty, and that you may live many years in health and happiness to see at length that Heaven did not make man in its wrath. Accept the homage of those sentiments of sincere and respectful esteem with which I have the honor to be, Madame la Duchesse, your most affectionate and obedient humble servant.

TO THE DUKE DE LA ROCHEFOUCAULT.

NEW YORK, April 3, 1790.

DEAR SIR,—A call to take a part in the domestic administration of our Government, obliges me to abandon the expectation of paying my respects to you in person, in Paris. Though removed to a greater distance in future, and deprived of the pleasure and advantages of your conversation and society, which contributed so much to render my residence in Paris agreeable, I shall not be the less anxious for your health and happiness, and for the prosperous issue of the great revolution in which you have taken so zealous and distinguished a part. By this time I hope it is happily concluded, and that the new constitution, after receiving the finishing hand from the National Assembly, is now putting into regular motion by the convocation of a new legislature. I find my countrymen as anxious for your success as they ought to be; and thinking with the National Assembly in all points except that of a single house

of legislation. They think their own experience has so decidedly proved the necessity of two Houses to prevent the tyranny of one, that they fear that this single error will shipwreck your new constitution. I am myself persuaded that theory and practice are not at variance in this instance, and that you will find it necessary hereafter to add another branch. But I presume you provide a facility of amending your constitution, and perhaps the necessity may be altogether removed by a council of revision well constituted.

Accept, Sir, my sincere thanks for all your kindnesses, permit me to place here those which I owe to Madame la Duchesse de La Rochefoucault, and which I render with the greatest cordiality. Were her system of ethics and of government the system of every one, we should have no occasion for government at all. I hope you will both live long years of health and happiness to see in full ripeness the fruit of your own revolution, and also that which seems blossoming in other parts of Europe. Accept, both, the homage of that affectionate and respectful attachment with which I have the honor to be your most obedient, and most humble servant.

TO THE COUNT DE MONTMORIN.

New York, April 6, 1790.

Sir,—The President of the United States having thought proper to assign to me other functions than those of their Minister Plenipotentiary near the King,

I have the honor of addressing to your Excellency my letters of recall, and of beseeching you to be so good as to present them, with the homage of my respectful adieus, to his Majesty.

It is with great satisfaction that I find myself authorized to conclude, as I had begun my mission, with assurances of the attachment of our government to the King and his people, and of its desire to preserve and strengthen the harmony and good understanding, which has hitherto so happily subsisted between the two nations.

Give me leave to place here, also, my acknowledgments to your Excellency, personally, for the facilities you have been pleased always to give in the negotiation of the several matters I have had occasion to treat with you, during my residence at your court. They were ever such as to evince, that the friendly dispositions towards our republic which you manifested even from its birth, were still found consistent with that patriotism of which you have continued to give such constant and disinterested proofs. May this union of interests forever be the patriot's creed in both countries. Accept my sincere prayers that the King, with life and health, may be long blessed with so faithful and able a servant, and you with a Prince, the model of royal excellence; and permit me to retain to my latest hours, those sentiments of affectionate respect and attachment, with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO WILLIAM CARMICHAEL.

NEW YORK, April 11, 1790.

SIR,—A vessel being about to sail from this port for Cadiz, I avail myself of it to inform you, that under the appointment of the President of the United States, I have entered on the duties of Secretary of State, comprehending the department of Foreign Affairs.

Mr. Jay's letter of October the 2d, acknowledged the receipt of the last of yours which have come to hand. Since that date he wrote you on the 7th of December, enclosing a letter for Mr. Chiappe.

The receipt of his letter of September the 9th, 1788, having never been acknowledged, the contents of which were important and an answer wished for, I send you herewith a duplicate, lest it should have miscarried.

You will also receive herewith, a letter of credence for yourself, to be delivered to the Count de Florida Blanca, after putting thereon the proper address, with which I am unacquainted. A copy of it is enclosed for your information.

I beg leave to recommend the case of Don Blas Gonzalez to your good offices with the court of Spain, enclosing you the documents necessary for its illustration. You will perceive, that two vessels were sent from Boston in the year 1787, on a voyage of discovery and commercial experiment in general, but more particularly to try a fur trade with the

Russian settlements, on the northwest coast of our continent, of which such wonders had been published in Captain Cook's voyages, that it excited similar expeditions from other countries also; and that the American vessels were expressly forbidden to touch at any Spanish port, but in cases of extreme distress. Accordingly, through the whole of their voyage through the extensive latitudes held by that crown, they never put into any port but in a single instance. In passing near the island of Juan Fernandez, one of them was damaged by a storm, her rudder broken, her masts disabled, and herself separated from her companion. She put into the island to refit, and at the same time, to wood and water, of which she began to be in want. Don Blas Gonzalez, after examining her, and finding she had nothing on board but provisions and charts, and that her distress was real, permitted her to stay a few days, to refit and take in fresh supplies of wood and water. For this act of common hospitality, he was immediately deprived of his government, unheard, by superior order, and remains still under disgrace. We pretend not to know the regulations of the Spanish government, as to the admission of foreign vessels into the ports of their colonies; but the generous character of the nation is a security to us, that their regulations can, in no instance, run counter to the laws of nature; and among the first of her laws, is that which bids us to succor those in distress. For an obedience to this law, Don Blas appears to have

suffered; and we are satisfied, it is because his case has not been able to penetrate to his Majesty's ministers, at least in its true colors. We would not choose to be committed by a formal solicitation, but we would wish you to avail yourself of any good opportunity of introducing the truth to the ear of the minister, and of satisfying him, that a redress of this hardship on the Governor, would be received here with pleasure, as a proof of respect to those laws of hospitality which we would certainly observe in a like case, as a mark of attention towards us, and of justice to an individual for whose sufferings we cannot but feel.

With the present letter, you will receive the public and other papers, as usual, and I shall thank you in return, for a regular communication of the best gazettes published in Madrid.

I have the honor to be, with sentiments of the most perfect esteem, Sir, your most obedient, and most humble servant.

TO MR. GRAND.

NEW YORK, April 23, 1790.

DEAR SIR,—You may remember that we were together at the Hotel de La Monnoye, to see Mr. Drost strike coins in his new manner, and that you were so kind as to speak with him afterwards on the subject of his coming to America. We are now in a condition to establish a mint, and should be desir-

ous of engaging him in it. I suppose him to be at present in the service of Watts and Bolton, the latter of whom you may remember to have been present with us at the Monnoye. I know no means of communicating our dispositions to Drost so effectually as through your friendly agency, and therefore take the liberty of asking you to write to him, to know what emoluments he receives from Watts and Bolton, and whether he would be willing to come to us for the same? If he will, you may give him an expectation, but without an absolute engagement, that we will call for him immediately, and that with himself, we may probably take and pay him for all the implements of coinage he may have, suited to our purpose. If he asks higher terms, he will naturally tell you so, and what they are; and we must reserve a right to consider of them. In either case, I will ask your answer as soon as possible. I need not observe to you, that this negotiation should be known to nobody but yourself, Drost and Mr. Short. The good old Dr. Franklin, so long the ornament of our country, and I may say, of the world, has at length closed his eminent career. He died on the 17th instant, of an imposthume of his lungs, which having suppurated and burst, he had not strength to throw off the matter, and was suffocated by it. His illness from this imposthume was of sixteen days. Congress wear mourning for him, by a resolve of their body.

I beg you to present my friendly respects to

Madame Grand, the elder and younger, and to your son, and believe me to be, with sentiments of great esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO THE MARQUIS DE LA LUZERNE.

NEW YORK, April 30, 1790.

SIR,—When in the course of your legation to the United States, your affairs rendered it necessary that you should absent yourself awhile from that station, we flattered ourselves with the hope that that absence was not final. It turned out, in event, that the interests of your sovereign called for your talents and the exercise of your functions, in another quarter. You were pleased to announce this to the former Congress through their Secretary for Foreign Affairs, at a time when that body was closing its administration, in order to hand it over to a government then preparing on a different model. This government is now formed, organized, and in action; and it considers among its earliest duties, and assuredly among its most cordial, to testify to you the regret which the people and government of the United States felt at your removal from among them; a very general and sincere regret, and tempered only by the consolation of your personal advancement, which accompanied it. You will receive, Sir, by order of the President of the United States, as soon as they can be prepared, a medal and chain of gold,

of which he desires your acceptance, in token of their esteem, and of the sensibility with which they will ever recall your legation to their memory.

But as this compliment may hereafter be rendered to other missions, from which yours was distinguished by eminent circumstances, the President of the United States wishes to pay you the distinguished tribute of an express acknowledgment of your services, and our sense of them. You came to us, Sir, through all the perils which encompassed us on all sides. You found us struggling and suffering under difficulties, as singular and trying as our situation was new and unprecedented. Your magnanimous nation had taken side with us in the conflict, and yourself became the centre of our common councils, the link which connected our common operations. In that position you labored without ceasing, till all our labors were crowned with glory to your nation, freedom to ours, and benefit to both. During the whole, we had constant evidence of your zeal, your abilities, and your good faith. We desire to convey this testimony of it home to your own breast, and to that of your sovereign, our best and greatest friend; and this I do, Sir, in the name, and by the express instruction of the President of the United States.

I feel how flattering it is to me, Sir, to be the organ of the public sense on this occasion, and to be justified by that office, in adding to theirs, the homage of those sentiments of respect and esteem with which

I have the honor to be, your Excellency's most obedient, and most humble servant.

TO WILLIAM SHORT.

NEW YORK, April 30, 1790.

DEAR SIR,—My last letter to you was of the 6th instant, acknowledging the receipt of your favors of the 2d and 6th of January. Since that, Mr. Jay has put into my hands yours of the 12th of January, and I have received your note of February the 10th, accompanying some newspapers.

Mine of the 6th covered the President's letter to the King for my recall, and my letters of leave for myself and of credence to you, for the Count de Montmorin, with copies of them for your information. Duplicates of all these accompany the present; and an original commission for you as chargé des affaires, signed by the President. At the date of my former letters, I had not had time to examine with minuteness the proper form of credentials under our new Constitution: I governed myself, therefore, by foreign precedents, according to which a chargé des affaires is furnished with only a letter of credence from one Minister of Foreign Affairs to the other. Further researches have shown me, that under our new Constitution, all commissions (or papers amounting to that) must be signed by the President. You will judge whether any explanation on this subject to M. de Montmorin be necessary.

I enclose you also the copy of a letter written to the Marquis de La Luzerne, to be communicated to the Count de Montmorin, and by him to the King, if he thinks proper.

It has become necessary to determine on a present proper to be given to diplomatic characters on their taking leave of us; and it is concluded that a medal and chain of gold will be the most convenient. I have, therefore, to ask the favor of you to order the dies to be engraved with all the despatch practicable. The medal must be of thirty lines diameter, with a loop on the edge to receive the chain. On one side, must be the arms of the United States, of which I send you a written description, and several impressions in wax to render that more intelligible; round them, as a legend, must be "The United States of America." The device of the other side we do not decide on. One suggestion has been a Columbia (a fine female figure) delivering the emblems of peace and commerce to a Mercury, with a legend "Peace and Commerce" circumscribed, and the date of our republic, to wit, 4th July, MDCCLXXVI., subscribed as an exergum; but having little confidence in our own ideas in an art not familiar here, they are only suggested to you, to be altered, or altogether postponed to such better device as you may approve, on consulting with those who are in the habit and study of medals. Duvivier and Dupré seem to be the best workmen; perhaps the last is the best of the two.

The public papers which accompany this, will give you fully the news of this quarter.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MR. THOMAS MANN RANDOLPH.

NEW YORK, May 30, 1790.

DEAR SIR,—I at length find myself, though not quite well, yet sufficiently so to resume business in a moderate degree. I have, therefore, to answer your two favors of April 23 and May 3, and in the first place to thank you for your attention to the Paccan, Gloucester and European walnuts, which will be great acquisitions at Monticello. I will still ask your attention to Mr. Foster's boring machines, lest he should go away suddenly, and the opportunity of getting it be lost. I enquired of Mr. Hamilton the quantity of coal imported; but he tells me there are not returns as yet sufficient to ascertain it; but as soon as there shall be I shall be informed. I am told there is a considerable prejudice against our coal in these Northern States. I do not know whence it proceeds; perhaps from the want of attention to the different species, and an ignorant application of them to cross purposes. I have not begun my meteorological diary, because I have not yet removed to the house I have taken. I remove to-morrow; but as far as I can judge from its aspects, there will not be one position to be had for the thermometer

free from the influence of the sun both morning and evening. However, as I go into it only till I can get a better, I shall hope ere long to find a less objectionable situation. You know that during my short stay at Monticello I kept a diary of the weather. Mr. Madison has just received one comprehending the same period, kept at his father's at Orange. The hours of observation were the same, and he has the fullest confidence in the accuracy of the observer. All the morning observations in Orange are lower than those of Monticello, from one to, I believe, fifteen or sixteen degrees; the afternoon observations are near as much higher as those of Monticello. Nor will the variations permit us to ascribe them to any supposed irregularities in either tube; because, in that case, at the same point the variation would always be the same, which it is not. You have often been sensible that in the afternoon, or rather evening, the air has become warmer in ascending the mountain. The same is true in the morning. This might account for a higher station of the mercury in the morning observations at Monticello. Again, when the air is equally dry in the lower and higher situations, which may be supposed the case in the warmest part of the day, the mercury should be lower on the latter, because, all other circumstances the same, the nearer the common surface the warmer the air. So that on a mountain it ought really to be warmer in the morning and cooler in the heat of the day than on the common plain, but not in so great

a degree as these observations indicate. As soon as I am well enough I intend to examine them more accurately. Your resolution to apply to the study of the law, is wise in my opinion, and at the same time to mix with it a good degree of attention to the farm. The one will relieve the other. The study of the law is useful in a variety of points of view. It qualifies a man to be useful to himself, to his neighbors, and to the public. It is the most certain stepping-stone to preferment in the political line. In political economy, I think Smith's Wealth of Nations the best book extant; in the science of government, Montesquieu's Spirit of Laws is generally recommended. It contains, indeed, a great number of political truths; but also an equal number of heresies: so that the reader must be constantly on his guard. There has been lately published a letter of Helvetius, who was the intimate friend of Montesquieu, and whom he consulted before the publication of his book. Helvetius advised him not to publish it; and in this letter to a friend he gives us a solution for the mixture of truth and error found in this book. He says Montesquieu was a man of immense reading; that he had commonplaced all his reading, and that his object was to throw the whole contents of his commonplace book into systematical order, and to show his ingenuity by reconciling the contradictory facts it presents. Locke's little book on Government, is perfect as far as it goes. Descending from theory to practice there is no better book

than the Federalist. Burgh's Political Disquisitions are good also, especially after reading De Lome. Several of Hume's Political Essays are good. There are some excellent books of theory written by Turgot and the economists of France. For parliamentary knowledge, the Lex Parliamentaria is the best book. On my return to Virginia in the fall, I cannot help hoping some practicable plan may be devised for your settling in Albemarle, should your inclination lead you to it. Nothing could contribute so much to my happiness were it at the same time consistent with yours. You might get into the Assembly for that county as soon as you should please.

A motion has been made in the Senate to remove the Federal Government to Philadelphia. There was a trial of strength on a question for a week's postponement. On that it was found there would be eleven for the removal, and thirteen against it. The motion was therefore withdrawn and made in the other house, where it is still depending, and of very uncertain event. The question of the assumption is again brought on. The parties were so nearly equal on the former trial that it is very possible, that with some modifications, it may yet prevail. The tonnage bill will probably pass, and must, I believe, produce salutary effects. It is a mark of energy in our government, in a case, I believe, where it cannot be parried. The French revolution still goes on well, though the danger of a suspension of payments is very imminent. Their appeal to the

inhabitants of their colonies to say on what footing they wish to be placed, will end, I hope, in our free admissions into their islands with our produce. This precedent must have consequences. It is impossible the world should continue long insensible to so evident a truth as that the right to have commerce and intercourse with our neighbors, is a natural right. To suppress this neighborly intercourse is an exercise of force, which we shall have a just right to remove when the superior force. Dear Sir, your affectionate friend.

TO WILLIAM SHORT.

NEW YORK, June 6, 1790.

DEAR SIR,—Having written to you so lately as the 27th of May, by M. de Crevecoeur, I have little new to communicate. My headache still continues in a slight degree, but I am able to do business. To-morrow I go on a sailing party of three or four days with the President. I am in hopes of being relieved entirely by the sickness I shall probably encounter. The President is perfectly re-established, and looks better than before his illness. The question of removal to Philadelphia was carried in the House of Representatives by 38, against 22. It is thought the Senate will be equally divided, and consequently that the decision will rest on the Vice-President, who will be himself divided between his own decided

inclinations to stay here, and the unpopularity of being the sole obstacle to what appears the wish of so great a majority of the people expressed by proportional representation. Rhode Island has at length acceded to the Union by a majority of two voices only, in their convention. Her Senators will be here in about ten days or a fortnight. The opposers of removal in the Senate try to draw out time till their arrival. Therefore, they have connected the resolution of the lower House with a bill originated with them to fix a permanent residence, and have referred both to the same committee. Deaths are, Colonel Bland at this place, and old Colonel Corbin in Virginia. The naming a minister for Paris, awaits the progress of a bill before the legislature. They will probably adjourn to the 1st of December, as soon as they have got through the money business. The funding bill is passed, by which the President is authorized to borrow money for transferring our foreign debt. But the ways and means bill being not yet passed, the loan cannot be commenced till the appropriations of revenue are made, which is to give credit to the loan. * *

Remember me to all my friends, and be assured of the sincere esteem of, dear Sir, your affectionate friend and servant.

TO COLONEL GEORGE MASON.

NEW YORK, June 13, 1790.

DEAR SIR,—I have deferred acknowledging the receipt of your favor of March 16th, expecting daily that the business of the Consulships would have been finished. But this was delayed by the President's illness, and a very long one of my own, so that it is not till within these two or three days that it has been settled. That of Bordeaux is given to Mr. Fenwick, according to your desire. The commission is making out and will be signed to-morrow or next day.

I intended fully to have had the pleasure of seeing you at Gunstan Hall on my way here, but the roads being so bad that I was obliged to leave my own carriage to get along as it could, and to take my passage in the stage. I could not deviate from the stage road. I should have been happy in a conversation with you on the subject of our new government, of which, though I approve of the mass, I would wish to see some amendments, further than those which have been proposed, and fixing it more surely on a republican basis. I have great hopes that pressing forward with constancy to these amendments, they will be obtained before the want of them will do any harm. To secure the ground we gain, and gain what more we can, is, I think, the wisest course. I think much has been gained by the late constitution; for the former was terminating in anarchy, as necessarily consequent to inefficiency. The House of Repre-

sentatives have voted to remove to Baltimore, by a majority of 53, against 6. This was not the effect of choice, but of confusion into which they had been brought by the event of other questions, and their being hampered with the rules of the House. It is not certain what will be the vote of the Senate. Some hope an opening will be given to convert it into a vote of the temporary seat at Philadelphia, and the permanent one at Georgetown. The question of assumption will be brought on again, and its event is doubtful. Perhaps its opponents would be wiser to be less confident in their success, and to compromise by agreeing to assume the State debts still due to individuals, on condition of assuming to the States at the same time what they have paid to individuals, so as to put the States in the shoes of those of their creditors whom they have paid off. Great objections lie to this, but not so great as to an assumption of the unpaid debts only. My duties preventing me from mingling in these questions, I do not pretend to be very competent to their decision. In general, I think it necessary to give as well as take in a government like ours. I have some hope of visiting Virginia in the fall, in which case I shall still flatter myself with the pleasure of seeing you; in the meantime, I am, with unchanged esteem and respect, my dear Sir, your most obedient friend and servant.

TO DAVID RITTENHOUSE.

NEW YORK, June 14, 1790.

DEAR SIR,—I enclosed you the day before yesterday a rough draught of the report I had prepared on the subject of weights and measures. I have this morning received from Mr. Short a proposition made by the Bishop of Autun to the National Assembly of France, on the same subject, which I enclose you, and will beg the favor of you to return it by post after you shall have perused it. He mentions that the latitude of 45°, as being a middle term between the equator and pole, had been proposed as the general standard for measures, and he makes the proposition anew, and desires it may be made to England. As this degree of latitude is our northern boundary, as it may form a link between us and Europe, and as the degree which shall otherwise give the standard is not otherwise very material, I have thought of proposing it in my report instead of the 38th degree. I have in consequence gone over my calculations again upon the ground of a pendulum of 36.–8.428.(Sir Isaac Newton's calculation for 45°) 39.14912 inches giving a rod of 58.72368 inches, and reformed the tables (last page of the report), of which reformation I send you a copy. The alterations in the body of the work may be easily made from this. The Bishop says the pendulum has been calculated for 45° to be 36.–8.52. this $\frac{1}{10}$ of a line less than Sir Isaac Newton's, and the Bishop accord-

ingly adds, that there may be in this calculation an error of $\frac{1}{10}$ of a line.

I had taken no notice of the precaution of making the experiment of the pendulum on the sea shore, because the highest mountain in the United States would not add 1-5000 part to the length of the earth's radius, nor 1-128 of an inch to the length of the pendulum; the highest part of the Andes indeed might add about 1-1000 to the earth's radius, and 1-25 of an inch to the pendulum; as it has been thought worth mention, I will insert it also.

Your letter of April 20th, was duly attended to by me, but I fancy the successor had been decided on before it was known to the public that there would be a vacancy.

I am, with great esteem, my dear Sir, your sincere friend and humble servant.

TO DAVID RITTENHOUSE.

NEW YORK, June 20, 1790.

DEAR SIR,—I enclosed you on the 17th the alterations I had made in my report in consequence of the Bishop of Autun's proposition, which had come to my hands two days before. On the 18th, I received from Mr. Cutter in London a packet of newspapers, among which were the two enclosed, containing the speech in Parliament of Sir John Riggs Miller, on the subject of weights and measures. I observe, he states the estimate of 39.2 I. for the length of the

pendulum as confessedly erroneous. I had adopted it from memory only, and before I had been able to get a single book of any kind, in the first part of the report, wherein I endeavor to ascertain and fix invariably the system of measures and weights now in use with us. But before I proceeded to the second part, proposing a thorough reform, and reducing the whole to the decimal ratio, I had been able to procure here a copy of the Principia, and so to recur to the fountain head for Sir I. Newton's calculations, and then added the note, which you will find page 3 of the report, doubting what could have been the foundation of the common imputation of the estimate of 39.2 to Sir I. Newton, and stating the grounds of that of 39.1682 for the latitude of 51° 31′ of 39.1285 for 38°, which I had at first adopted, and 39.14912 for 45°, which I took on receiving the Bishop of Autun's proposition. I have now thought I might venture to take for granted, that the estimate of 39.2 is as erroneous as I had supposed it, and therefore to expunge it from the first branch of the report, and substitute in its stead 39.1682; and to change a passage under the head of "Measures of length" into the following form:

"They furnish no means to persons at a distance of knowing what this standard is. This, however, is supplied by the evidence of the second pendulum, which, according to the authority before quoted, being 39.1682 I. for the latitude of London, and consequently the second rod for the same latitude

being 58.7523, we are first to find by actual trial the rod for 45°, and to add to that $\frac{287}{10000}$ of an inch, or rather $\frac{3}{10}$ of a line (which in practice will endanger less error than an attempt at so minute a fraction as 10,000th parts of an inch), this will give us the true measure of 58¾ English inches. Or, to shorten the operation, and yet obtain the result we seek, let the standard rod of 45° be divided into 587⅕ equal parts, and let each of these parts be declared a line, and ten lines an inch," etc.

I propose also to strike out the note (page 3) before mentioned, and to substitute the following in its place:

"The length of the pendulum has been differently estimated by different persons. Knowing no reason to respect any of them more than Sir Isaac Newton for skill, care, or candor, I had adopted his estimate of 39.149 I. for our northern limit of 45°, before I saw the different propositions of the Bishop of Autun, and Sir John Riggs Miller. The first of these gentlemen quotes Mairan's calculation for 48° 50′, the latitude of Paris, to wit, 504 : 257 : : 72 : to a 4th proportional, which will be 36.71428 = 39.1923 inches. The difference between the pendulum for 48° 50′ and 45°, as calculated by Sir I. Newton, is .0112 I.: so that the pendulum for 45° would be estimated, according to the Bishop of Autun, at 39.1923—.0112 = 39.1811. Sir John Riggs Miller proposes 39.126, being Graham's determination for 51° 31′, the latitude of London. The difference between the pendulum for 51° 31′, and 45° by Sir

I. Newton, is .019 I., so that the pendulum for 45° should be estimated according to Sir J. R. Miller, at 39.126—.019=39.107 I. Now, dividing our respect between these two results, by taking their mean, to wit, $\frac{39.181+39.107}{2}=39.144$, we find ourselves almost exactly with Sir I. Newton, whose estimate of 39.149 we had already adopted."

I propose also to reform a passage under the head of Weights, in the first branch of the report, to stand thus:

"Let it then be established, that an ounce is the weight of a cube of rain water of one-tenth of a foot, *or rather, that it is the thousandth part of the weight of a cubic foot of rain water* weighed in the standard temperature," etc.

All which I submit to your judgment, and I will ask you particularly to examine the numbers .0112 and .019, as I have no help here to find them otherwise than by approximation. I have wished much, but in vain, Emerson's and Ferguson's books here. In short, I never was cut off from the resources of my own books and papers at so unlucky a moment. There is a Count Andriani, of Milan, here, who says there is a work on the subject of weights and measures published by Trisi of Milan. Perhaps you may have it at Philadelphia, and be able to send it to me. Were it not for my confidence in your assistance, I should not have ventured to take up this business till I received my books.

I am, my dear Sir, with great and sincere esteem, your friend and servant.

TO JAMES MONROE.

NEW YORK, June 20, 1790.

DEAR SIR,—An attack of a periodical headache, which, though violent for a few days only, yet kept me long in a lingering state, has hitherto prevented my sooner acknowledging the receipt of your favor of May 26. I hope the uneasiness of Mrs. Monroe and yourself has been removed by the re-establishment of your daughter. We have been in hopes of seeing her here, and fear at length some change in her arrangements for that purpose.

Congress has been long embarrassed by two of the most irritating questions that ever can be raised among them: 1, the funding the public debt, and 2, the fixing on a more central residence. After exhausting their arguments and patience on these subjects, they have for some time been resting on their oars, unable to get along as to these businesses, and indisposed to attend to anything else, till they are settled. And, in fine, it has become probable, that unless they can be reconciled by some plan of compromise, there will be no funding bill agreed to, our credit (raised by late prospects to be the first on the exchange at Amsterdam, where our paper is above par) will burst and vanish, and the States separate, to take care every one of itself. This prospect appears probable to some well-informed and well-disposed minds. Endeavors are, therefore, using to bring about a disposition to some

mutual sacrifices. The assumption of State debts has appeared as revolting to several States as their non-assumption to others. It is proposed to strip the proposition of the injustice it would have done by leaving the States who have redeemed much of their debts on no better footing than those who have redeemed none; on the contrary, it is recommended to assume a fixed sum, allotting a portion of it to every State in proportion to its census. Consequently, every State will receive exactly what they will have to pay, or they will be exonerated so far by the general government's taking their creditors off their hands. There will be no injustice then. But there will be the objection still, that Congress must then lay taxes for those debts which would have been much better laid and collected by the State governments. And this is the objection on which the accommodation now hangs with the non-assumptioners, many of whom committed themselves in their advocation of the new Constitution, by arguments drawn from the improbability that Congress would ever lay taxes where the States could do it separately. These gentlemen feel the reproaches which will be levelled at them personally. I have been, and still am of their opinion, that Congress should always prefer letting the States raise money in their own way, where it can be done. But in the present instance, I see the necessity of yielding to the cries of the creditors in certain parts of the Union; for the sake of union, and to save us from

the greatest of all calamities, the total extinction of our credit in Europe. On the other hand, it is proposed to pass an act fixing the temporary residence of twelve or fifteen years at Philadelphia, and that at the end of that time, it shall stand *ipso facto*, and without further declaration transferred to Georgetown. In this way, there will be something to displease and something to soothe every part of the Union but New York, which must be contented with what she has had. If this plan of compromise does not take place, I fear one infinitely worse, an unqualified assumption and the perpetual residence on the Delaware. The Pennsylvania and Virginia delegates have conducted themselves honorably and unexceptionably, on the question of residence. Without descending to talk about bargains, they have seen that their true interests lay in not listening to insidious propositions, made to divide and defect them, and we have seen them at times voting against their respective wishes rather than separate.

In France, the revolution goes on surely but slowly. On the rest of the continent, a league is formed between Prussia, Poland, Sweden, and Turkey, and openly patronized by England and Holland, against the two empires, one of which is convulsed by internal divisions. But the last packet brings still more interesting news. The day before the mail came away, a message was sent to the two Houses by the King, complaining of the capture of two British ships at Nootka Sound by the Spaniards,

under pretence of an exclusive right to that coast, that the King had demanded satisfaction, and in the meantime was arming, to enforce it. The Houses unanimously promised support, and it was evident they would accept nothing short of an extensive renunciation from Spain as to her American pretensions. Perhaps she is determined to be satisfied with nothing but war, dismemberment of the Spanish empire, and annihilation of her fleet. Nor does her countenance towards us clear up at all.

I flatter myself with being in Virginia in the autumn. The particular time depends upon too many contingencies to be now fixed. I shall hope the pleasure of seeing yourself and Mrs. Monroe either in Albemarle or wherever our route may cross each other. Present me affectionately to her and to my good neighbors generally, and be assured of the great and sincere esteem of, dear Sir, your affectionate friend and humble servant.

TO MR. JOHN COFFIN JONES.

NEW YORK, June 23, 1790.

SIR,—I duly received your favor of May 1st, and communicated to the President the part relative to Mr. Laneguy, who would have been disposed to pay all possible respect to your recommendation. The first rule on that subject was to appoint a native Consul wherever a good one would accept of it; but where no native could be found, the person in pos-

session was confirmed. Dr. Franklin had appointed a Mr. Cathalan as agent, early in the war, a very substantial merchant of Marseilles. He and his son have paid great attention to our concerns there, had much trouble, and no emolument from it. It was thought unjust to remove him without cause. The commission is given to the son, as being otherwise well qualified, and particularly as understanding well our language and usages, acquired by a residence in England. A bill which may be called the true navigation act for the United States, is before Congress, and will probably pass. I hope it will lay the foundation of a due share of navigation for us. I am, with great esteem, Sir, your most obedient humble servant.

TO MR. DUMAS.

NEW YORK, June 23, 1790.

DEAR SIR,—I arrived at this place the latter end of March, and undertook the office to which the President had been pleased to appoint me, of Secretary of State, which comprehends that of Foreign Affairs. Before I had got through the most pressing matters which had been accumulating, a long illness came upon me, and put it out of my power for many weeks to acknowledge the receipt of your letters.

* * * * * * * *

We are much pleased to learn the credit of our paper at Amsterdam. We consider it as of the first

importance, to possess the first credit there, and to use it little. Our distance from the wars of Europe, and our disposition to take no part in them, will, we hope, enable us to keep clear of the debts which they occasion to other powers. It will be well for yourself and our bankers to keep in mind always, that a great distinction is made here, between our foreign and domestic paper. As to the foreign, Congress is considered as the representative of one party only, and I think I can say with truth, that there is not one single individual in the United States, either in or out of office, who supposes they can ever do anything which might impair their foreign contracts. But with respect to domestic paper, it is thought that Congress, being the representative of both parties, may shape their contracts so as to render them practicable, only seeing that substantial justice be done. This distinction will explain to you their proceedings on the subject of their debts. The funding their foreign debts, according to express contract, passed without a debate and without a dissenting voice. The modelling and funding the domestic debt, occasions great debates, and great difficulty. The bill of ways and means was lately thrown out, because an excise was interwoven into its texture; and another ordered to be brought in, which will be clear of that. The assumption of the debts contracted by the States to individuals, for services rendered the Union, is a measure which divides Congress greatly. Some think that the States could much

more conveniently levy taxes themselves to pay off these, and thus save Congress from the odium of imposing too heavy burthens in their name. This appears to have been the sentiment of the majority hitherto. But it is possible that modifications may be proposed, which may bring the measure yet into an acceptable form. We shall receive with gratitude the copy of Rymer's Federa, which you are so good as to propose for the use of our offices here.

I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO MR. LESLIE.

NEW YORK, June 27, 1790.

SIR,—I find among the letters to Mr. Jay, one on the subject of the vibrating rod thought of by you for a standard of measure; and I have received from Mr. Madison a manuscript pamphlet of yours on the same subject. Congress having referred to me to propose a plan of invariable measures, I have considered maturely your proposition, and am abundantly satisfied of its utility; so that if I can have your leave, I mean to propose in my report to adopt the rod in preference to the pendulum, mentioning expressly that we are indebted to you for the idea. Should they concur with me in opinion, it is possible that in carrying it into execution we may have occasion to engage your assistance in the proper adjustment of it, as well on account of your abilities in that

line generally, as for the peculiar interest you would feel in the success of the experiment. Mr. Cox's letter to Mr. Jay seems to imply that you had communicated your idea that I might avail myself of it in the subject referred to me. But I think it justice to ask your express permission, and that you will be so good as to give me an answer by return of post. I am, Sir, your most obedient humble servant.

TO BENJAMIN VAUGHAN.

NEW YORK, June 27, 1790.

DEAR SIR,—Your favor of March 27th came duly to hand on the 12th instant, as did your very valuable present, the dry rice, brought from the Moluccas, by Lieut. Blight. I immediately sent a few seeds to Virginia, where I am in hopes there would still be force of summer sufficient to mature it. I reserve a little for next spring, besides sowing some in pots, from which I have now twenty-three young plants, just come up. I fear, however, there is not summer enough remaining here to ripen them, without the uncertain aid of a hot house. Upon your encouragement, I think I shall venture to write to Mr. Hinton Este, of Jamaica, on the subject. You will have known that we had lost Dr. Franklin before your letter came to hand; consequently, the relation of Lieut. Blight's adventure, which you were so kind as to send, rests with me.

Though large countries within our Union are

covered with the sugar maple, as heavily as can be conceived, and that this tree yields a sugar equal to the best from the cane, yields it in great quantity, with no other labor than what the women and girls can bestow, who attend to the drawing off and boiling the liquor, and the trees when skilfully tapped will last a great number of years, yet the ease with which we had formerly got cane sugar, had prevented our attending to this resource. Late difficulties in the sugar trade have excited attention to our sugar trees, and it seems fully believed by judicious persons, that we cannot only supply our own demand, but make for exportation. I will send you a sample of it, if I can find a conveyance without passing it through the expensive one of the post. What a blessing to substitute a sugar which requires only the labor of children, for that which is said to render the slavery of the blacks necessary.

An act of Congress authorizing the issuing of patents for new discoveries has given a spring to invention beyond my conception. Being an instrument in granting the patents, I am acquainted with their discoveries. Many of them indeed are trifling, but there are some of great consequence, which have been proved by practice, and others which, if they stand the same proof, will produce great effect. Yesterday the man who built the famous bridge from Boston to Charlestown, was with me, asking a patent for a pile engine of his own construction. He communicated to me another fact, of which he makes

no secret, and it is important. He was formerly concerned in ship building, but for thirty years past has been a bridge builder. He had early in life observed, on examining worm-eaten ships, that the worms never eat within the seams where the corking chisel enters, and the oil, etc. He had observed that the whaling vessels would be eaten to a honey-comb, except a little above and below water, where the whale is brought in contact with the vessel, and lies beating against it till it is cut up. A plank lying under water at a mill of his had been obliged to be removed annually, because eaten up by the worms in the course of the year. At length a plank was accidentally put down which for some purpose had been thoroughly impregnated with oil. It remained seven years without being affected. Hence he took the idea of impregnating the timbers of his bridges thoroughly with oil, by heating the timber as deeply as possible, and doing it well in that state with the liver oil of the codfish. He has practiced this for thirty years, and there is no instance of the worm attacking his timbers, while those in neighboring places are immediately destroyed. He has used the liver oil of the cod, because very thick, and therefore, as he supposes, more permanent in its effect. He supposes some other oils might do, but cannot speak of them experimentally. He says there will be no difficulty in heating the planks of a ship after they are put on, as well as before; but I do not recollect his mentioning ever to have tried it in the case of a ship.

I am fixed here by the desire of my countrymen; consequently less in the way of communications in letters and the arts than I used to be. The continuance of your communications in that way will now be received with double thankfulness.

We are told you are going to war. Peace and profit will, I hope, be our lot. A high price and sure market for our productions, and no want of carrying business will, I hope, enable my countrymen to pay off both their private and public debts.

I am, with sentiments of sincere esteem, dear Sir, your sincere friend and servant.

TO DR. GILMER.

NEW YORK, June 27, 1790.

DEAR DOCTOR,—I have duly received your favor of May 21st, and thank you for the details it contains. Congressional proceedings go on rather heavily. The question for assuming the State debts, has created greater animosities than I ever yet saw take place on any occasion. There are three ways in which it may yet terminate. 1. A rejection of the measure, which will prevent their funding any part of the public debt, and will be something very like a dissolution of the government. 2. A bargain between the eastern members, who have it so much at heart, and the middle members, who are indifferent about it, to adopt those debts without any modification, on condition of removing the seat of

government to Philadelphia or Baltimore. 3. An adoption of them with this modification, that the whole sum to be assumed shall be divided among the States in proportion to their census; so that each shall receive as much as they are to pay; and perhaps this might bring about so much good humor as to induce them to give the temporary seat of government to Philadelphia, and then to Georgetown permanently. It is evident that this last is the least bad of all the turns the thing can take. The only objection to it will be, that Congress will then have to lay and collect taxes to pay these debts, which could much better have been laid and collected by the State governments. This, though an evil, is a less one than any of the others in which it may issue, and will probably give us the seat of Government at a day not very distant, which will vivify our agriculture and commerce by circulating through our State an additional sum every year of half a million of dollars. When the last packet left England, there was great appearance of an immediate rupture with Spain. Should that take place, France will become a party. I hope peace and profit will be our share. Present my best respects to Mrs. Gilmer, and my enquiring neighbors.

I am, dear Doctor, your affectionate friend and servant.

TO MR. BOUDINOT.

NEW YORK, June 29, 1790.

SIR,—As it is desirable we should receive from our Consuls an exact report of all our vessels with their cargoes which go to the countries of their residence, such fees appear necessary as may induce them to be watchful that every such vessel is noted. At the same time, the fee should not be so large as to induce them to connive at foreign vessels reporting themselves as American, merely to give them the fee; five and ten dollars appear to me well proportioned.

While I was in Europe I found there was a great want of some legal mode of taking and authenticating instruments and evidence in general, to be sent to this country; such as depositions, affidavits, copies of wills, records, deeds, powers of attorney, etc. I thought it would be proper, as soon as we should have Consuls established, to make their authentications under the seal of their office, good evidence in our courts. I take the liberty of submitting to you whether a clause for these purposes might not be properly placed in this bill. I assure you the occasions for it are extremely frequent.

I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO DAVID RITTENHOUSE.

NEW YORK, June 30, 1790.

DEAR SIR,—Your favor of the 25th came to hand last night, for which I give you many thanks. The conversion of 36.71428 pouces into 39.1923 inches, was an error in division, and consequently the mean taken between that and Graham's computation is wrong. It has rendered it necessary for me to suppress the note on that subject, and to put it into the form now enclosed. In this I state the reason for adopting 11–3 pouces as the equivalent of the English foot. It is so stated by D'Alembert in the Encyclopedie, and retained in the new Encyclopedie. To have changed it for 11–3.11 Mashelynci's measure, would have obliged me to have formed all my calculations anew, which would have exposed me to new errors of calculation; and added to the trouble and delay it would have occasioned, did not seem worth while for so small a fraction as 11-100 of a line, or the 1227th of a foot. I suppose, too, that the operation concerting between the French and English will soon furnish us with a new and more certain equation of their feet. I still like the rod rather than the pendulum, because I do not know a single objection to it which does not lie to the pendulum, because it is clear of some objections to which that is liable, but most of all, because 1-5 of the second rod is much nearer the present foot than 1-3 of the second pendulum. After all, should the French and English adopt

the pendulum, we shall be free to do so also. I state on the enclosed paper a very loose answer to the 5th objection, which is the only one I can give. Can you suggest something more precise? As there is an idea that Congress will rise about the middle of July, I shall only await the answer you will be so good as to make to this, and then give in my report. This day, I fancy, will determine whether we are to be removed to Philadelphia or not; for though it will still be put to the question several times before its ultimate passage, yet I think if this day's vote of the Senate is favorable, it will pass safely through all the subsequent stages. It would have been a great comfort to me to have been near you during the preparation of this business of weights and measures. It is much easier to avoid errors by having good information at first, than to unravel and correct them after they are committed. I recommend to Congress the deferring to proceed on the report till the next session, and reserve to myself an opening to add any new matter which may occur in the meantime.

I am, with great and sincere esteem, dear Sir, your affectionate friend and servant.

TO WILLIAM SHORT.

NEW YORK, July 1, 1790.

DEAR SIR,—A bill has passed two readings in the Senate for removing the seat of government to Phil-

adelphia, there to remain ten years, and then to be established permanently in Georgetown. It is to receive its third reading to-day, and it depends on a single vote, yet I believe we may count surely that it will pass that house. As it originated there, it will then have to pass the lower house; where, however, I believe it is very secure of a majority. I apprehend this news must reach you too late to send my baggage to Philadelphia instead of this place; however, to take the chance of any unexpected delay which may have attended its departure, I drop you this line by a vessel sailing this morning to Dunkirk, to pray you (if my baggage is not already embarked, or so engaged for its passage as not to admit a change of destination), that you will have it sent to Philadelphia directly. The having to send it from one port to another in the United States, costs as much nearly as the freight across the Atlantic, besides the custom-house difficulties. I think it better to wait an opportunity from thence to Philadelphia, should there not be an immediate one, than that it should make a double voyage. No time to add anything else, but that all is well. Adieu. Yours affectionately.

TO COL. N. LEWIS.

NEW YORK, July 4, 1790.

DEAR SIR,—I wrote you last on the 13th of June. The Senate have passed the bill for fixing the resi-

dence of Congress at Philadelphia for ten years, and then permanently at Georgetown; it has been read once or twice in the House of Representatives, and will be ultimately decided on the day after to-morrow. I believe it will pass there by a considerable majority. I imagine we shall remove from hence early in September, which will consequently be the time for my paying a short visit to Monticello. There is reason to expect a rupture has taken place between Spain and England. If so, it will involve France, and so render the present war of Europe almost universal there. I hope they will all see it their interest to let us make bread for them in peace, and to give us a good price for it. We have every moral certainty that wheat will be high for years to come. I cannot, therefore, my dear Sir, omit to press, for myself, the going into that culture as much as you think practicable. In Albemarle, I presume we may lay aside tobacco entirely; and in Bedford, the more we can lay it aside the happier I shall be. I believe it cannot there be entirely discontinued, for want of open lands. I will also be obliged to you to give such orders for preparing for the next year's crop in the plantation given to Mr. Randolph, as you would for me, were it to remain in my hands. I know he will be glad to have as much wheat sowed as possible. While good crops of grain, and a good price for them, will prepare a good income, if we can avoid paying that away to the stores, all will be well. For this purpose, it is vastly desirable to be getting under

way with our domestic cultivation and manufacture of hemp, flax, cotton and wool for the negroes. If we may decide from past experience, we may safely say that war and domestic manufacture are more gainful than peace and store supplies. The present price of wheat here is a dollar a bushel.

Present my best esteem to Mrs. Lewis and your family. I am, dear Sir, your affectionate friend and humble servant.

TO EDWARD RUTLEDGE, ESQ.

NEW YORK, July 4, 1790.

DEAR SIR,—Your favor of April 28 came to hand May 11, and found me under a severe indisposition, which kept me from all business more than a month, and still permits me to apply but very sparingly. That of June 20 was delivered me two days ago by young Mr. Middleton, whom I was very glad to see, as I am everybody and everything which comes from you. It will give me great pleasure to be of any use to him, on his father's account as well as yours.

In yours of April 28 you mention Dr. Turnbull's opinion that force alone can do our business with the Algerines. I am glad to have the concurrence of so good an authority on that point. I am clear myself that nothing but a perpetual cruise against them, or at least for eight months of the year, and for several years, can put an end to their piracies; and I believe that a confederacy of the nations not in treaty with

them can be effected, so as to make that perpetual cruise, or our share of it, a very light thing, as soon as we shall have money to answer even a light thing; and I am in hopes this may shortly be the case. I participate fully of your indignation at the trammels imposed on our commerce with Great Britain. Some attempts have been made in Congress, and others are still making to meet their restrictions by effectual restriction on our part. It was proposed to double the foreign tonnage for a certain time, and after that to prohibit the exportation of our commodities in the vessels of nations not in treaty with us. This has been rejected. It is now proposed to prohibit any nation from bringing or carrying in their vessels what may not be brought or carried in ours from or to the same ports; also to prohibit those from bringing to us anything not of their own produce, who prohibit us from carrying to them anything but our own produce. It is thought, however, that this cannot be carried. The fear is that it would irritate Great Britain were we to feel any irritation ourselves. You will see by the debates of Congress that there are good men and bold men, and sensible men, who publicly avow these sentiments. Your observations on the expediency of making short treaties, are most sound. Our situation is too changing and too improving to render an unchangeable treaty expedient for us. But what are these enquiries on the part of the British minister which leads you to think he means to treat? May they not look to some other

object? I suspect they do; and can no otherwise reconcile all circumstances. I would thank you for a communication of any facts on this subject.

Some questions have lately agitated the minds of Congress more than the friends of union on catholic principles would have wished. The general assumption of State debts has been as warmly demanded by some States, as warmly rejected by others. I hope still that this question may be so divested of the injustice imputed to it as to be compromised. The question of residence, you know, was always a heating one. A bill has passed the Senate for fixing this at Philadelphia ten years, and then at Georgetown; and it is rather probable it will pass the lower house. That question then will be put to sleep for ten years; and this and the funding business being once out of the way, I hope nothing else may be able to call up local principles. If the war between Spain and England takes place, I think France will inevitably be involved in it. In that case I hope the new world will fatten on the follies of the old. If we can but establish the armed neutrality for ourselves, we must become the carriers for all parties as far as we can raise vessels.

The President had a hair-breadth escape; but he is now perfectly re-established, and looks much better than before he was sick. I expect daily to see your nephew, Mr. J. Rutledge, arrive here, as he wrote me by the May packet that he would come in that of June. He is a very hopeful young man,

sensible, well-informed, prudent and cool. Our southern sun has been accused of sometimes sublimating the temper too highly. I wish all could think as coolly, but as soundly and firmly as you do. Adieu, my dear friend. Yours affectionately.

TO MR. DUMAS.

NEW YORK, July 13, 1790.

SIR,—I wrote you last on the 23d of June, since which I have received yours of March the 24th to the 30th.

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Congress are still engaged in their funding bills. The foreign debts did not admit of any difference of opinion. They were settled by a single and unanimous vote; but the domestic debt, requiring modifications and settlements, these produce great difference of opinion, and consequently retard the passage of the funding bill. The States had individually contracted considerable debts for their particular defence, in addition to what was done by Congress. Some of the States have so exerted themselves since the war, as to have paid off near the half of their individual debts. Others have done nothing. The State creditors urge, that these debts were as much for general purposes as those contracted by Congress, and insist that Congress shall assume and pay such of them as have not been yet paid by their own States. The States who have exerted themselves

most, find that, notwithstanding the great payments they have made, they shall by this assumption, still have nearly as much to pay as if they had never paid anything. They are therefore opposed to it. I am in hopes a compromise will be effected by a proportional assumption, which may reach a great part of the debts, and leave still a part of them to be paid by those States who have paid few or none of their creditors. This being once settled, Congress will probably adjourn, and meet again in December, at Philadelphia. The appearance of war between our two neighbors, Spain and England, would render a longer adjournment inexpedient.

I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO DR. GILMER.

NEW YORK, July 25, 1790.

DEAR DOCTOR,—I wrote you last on the 27th of June. Since that we have had great appearances of an explosion between Spain and England. Circumstances still indicate war. The strongest fact against it is that a British ambassador is actually gone to Madrid. If there be war, France will probably embark in it. I do not think it can disturb her revolution, that is so far advanced as to be out of danger. Be these things as they may, there will be war enough to ensure us great prices for wheat for years to come, and if we are wise we shall become

wealthy. McGillivray, and about thirty Creek chiefs, are here. We are in hopes this visit will ensure the continuance of peace with them. The assumption in a proportionate form is likely to pass. The sum to be assumed is twenty-one millions. Of this three and a half millions are allotted to Virginia, being the exact sum it is supposed she will have to contribute of the whole assumption, and sufficient also to cover the whole of her remaining domestic debt. Being therefore to receive exactly what she is to pay, she will neither lose nor gain by the measure. The principal objection now is, that all the debts, general and State, will be to be raised by tax on imposts, which will thus be overburthened; whereas had the States been left to pay the debts themselves, they could have done it by taxes on land and other property, which would thus have lightened the burthen on commerce. However, the measure was so vehemently called for by the State creditors in some parts of the Union, that it seems to be one of those cases where some sacrifice of opinion is necessary for the sake of peace. Congress will probably rise between the 6th and 13th of August. The President will soon after that go to Mount Vernon, and I shall take advantage of the interregnum to see my neighbors in Albemarle, and to meet my family there. I suppose it will be the 1st of September before I can set out from this place, and shall take that occasion of having my affairs removed hence to Philadelphia. Present me affectionately to Mrs. Gilmer and all my

friends. Adieu, dear Doctor, your sincere friend and humble servant.

TO WILLIAM SHORT.

NEW YORK, July 26, 1790.

DEAR SIR,—My public letters to you have been of the 28th of March, the 6th and 30th of April. Yours, which remain to be acknowledged, are of March the 9th, 17th, 29th, April the 4th, 12th, 23d, and May the 1st; being from No. 21 to 28 inclusive, except No. 23, which had come to hand before. I will state to you the dates of all your letters received by me, with the times they have been received, and length of their passage.

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You will perceive that they average eleven weeks and a half; that the quickest are of nine weeks, and the longest are of near eighteen weeks coming. Our information through the English papers, is of about five or six weeks, and we generally remain as long afterwards in anxious suspense, till the receipt of your letters may enable us to decide what articles of those papers have been true. As these come principally by the English packet, I will take the liberty of asking you to write always by that packet, giving a full detail of such events as may be communicated through that channel; and indeed most may. If your letters leave Paris nine or ten days before the sailing of the packet, we shall be able to decide,

on the moment, on the facts, true or false, with which she comes charged. For communications of a secret nature, you will avail yourself of other conveyances, and you will be enabled to judge which are best, by the preceding statement. News from Europe is very interesting at this moment, when it is so doubtful whether a war will take place between our two neighbors.

Congress have passed an act for establishing the seat of government at Georgetown, from the year 1800, and in the meantime, to remove to Philadelphia. It is to that place, therefore, that your future letters had better be addressed. They have still before them the bill for funding the public debts. That has been hitherto delayed by a question, whether the debts contracted by the particular States for general purposes, should, at once, be assumed by the General Government. A development of circumstances, and more mature consideration, seem to have produced some change of opinion on the subject. When it was first proposed, a majority was against it. There is reason to believe, by the complexion of some later votes, that the majority will now be for assuming these debts to a fixed amount. Twenty-one millions of dollars are proposed. As soon as this point is settled, the funding bill will pass, and Congress will adjourn. That adjournment will probably be between the 6th and 13th of August. They expect it sooner. I shall then be enabled to inform you, ultimately, on the subject

of the French debt, the negotiations for the payment of which will be referred to the executive, and will not be retarded by them an unnecessary moment. A bill has passed, authorizing the President to raise the salary of a chargé des affaires to four thousand five hundred dollars, from the first day of July last. I am authorized by him to inform you, that yours will accordingly be at that rate, and that you will be allowed for gazettes, translating or printing papers where that shall be necessary, postage, couriers, and necessary aids to poor American *sailors*, in addition to the salary, and no charge of any other description, except where you may be directed to incur it expressly. I have thought it would be most agreeable to you to give you precise information, that you may be in no doubt in what manner to state your accounts. Be pleased to settle your account down to the 1st of July last, and state the balance then due which will be to be paid out of the former fund. From that day downwards, a new account must be opened, because a new fund is appropriated to it, from that time. The expenses for the medals, directed in my letter of April the 30th, must enter into the new account. As I presume the die will be finished by the time you receive this, I have to desire you will have a medal of gold struck for the Marquis de La Luzerne, and have put to it a chain of three hundred and sixty-five links, each link containing gold to the value of two dollars and a half, or thirteen livres and ten sous. The links to be of plain wire,

so that their workmanship may cost as it were nothing. The whole will make a present of little more than one thousand dollars, including the medal and chain. As soon as done, be pleased to forward them by a safe hand to the Marquis de La Luzerne, in the name of the President of the United States, informing him that it is the one spoken of in my letter to him of April the 30th, 1790. Say nothing to anybody of the value of the present, because that will not always be the same, in all cases. Be so good as to have a second medal of gold struck in the same die, and to send this second, together with the dies, to Philadelphia, by the first safe person who shall be passing; no chain to be sent with this.

We are impatient to learn the progress and prospect of the Algerine business. Do not let it languish a moment, nor leave us a moment uninformed of anything relative to it. It is in truth a tender business, and more felt as such in this, than in any other country. The suppression of the farms of tobacco, and the free importation of our salted provisions, will merit all your attention. They are both of them objects of first-rate importance.

The following appointments of consuls have taken place.

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Their jurisdictions, in general, extend to all places within the same allegiance, which are nearer to them than to the residence of any other consul or vice-consul. As yet, only their commissions have been

made out. General instructions await the passage of a bill now depending. Mr. La Forest, at this place, remarked our appointment of consuls in the French islands. In the first project of a convention proposed on the part of France, the expressions reached expressly to the kingdom of France only. I objected to this in writing, as being narrower than the twenty-ninth article of the treaty of amity, which was the basis of the consular convention, and which had granted the appointment of consuls and vice-consuls, in their respective "States and ports," generally, and without restriction. On this, the word "France" was struck out, and the "dominions of the M. C. K." inserted everywhere. See the fifth, ninth, twelfth, thirteenth and fifteenth articles particularly, of the copy of the draughts of 1784 and 1788, as I had them printed side by side. The object of this alteration was, the appointment of consuls in the free ports allowed us in the French West Indies, where our commerce has greater need of protection than anywhere. I mention these things that you may be prepared, should anything be said to you on the subject. I am persuaded the appointment will contribute eminently to the preservation of harmony between us. These consuls will be able to prevent the misunderstandings which arise frequently now between the officers there and our traders, and which are doubtless much exaggerated and misrepresented to us by the latter.

I duly received the copy you were so kind as to

send me of the Bishop of Autun's proposition, on the subject of weights and measures. It happened to arrive in the moment I was about giving in to Congress a report on the same subject, which they had referred to me. In consequence of the Bishop of Autun's proposition, I made an alteration in my report, substituting forty-five degrees instead of thirty-eight degrees, which I had at first proposed as a standard latitude. I send you a copy of my report for the Bishop, and another for M. Condorcet, Secretary of the Academy of Sciences. By taking the second pendulum or rod of the same latitude, for the basis of our measures, it will at least furnish a common measure to which both our systems will refer, provided our experiments on the pendulum or rod of forty-five degrees should yield exactly the same result with theirs.

The newspapers, as usual, will accompany the present, which is to go by Mr. Barrett.

I have the honor to be, with great esteem and attachment, dear Sir, your most obedient and most humble servant.

TO WILLIAM CARMICHAEL.

New York, August 2, 1790.

Dear Sir,—This letter will be delivered to you by Colonel Humphreys, whose character is so well known to you as to need no recommendations from me. The present appearances of war between our

two neighbors Spain and England, cannot but excite all our attention. The part we are to act is uncertain, and will be difficult. The unsettled state of our dispute with Spain, may give a turn to it very different from what we would wish. As it is important that you should be fully apprized of our way of thinking on this subject, I have sketched, in the enclosed paper, general heads of consideration arising from present circumstances. These will be readily developed by your own reflections, and in conversations with Colonel Humphreys; who, possessing the sentiments of the executive on this subject, being well acquainted with the circumstances of the Western country in particular, and of the state of our affairs in general, comes to Madrid expressly for the purpose of giving you a thorough communication of them. He will, therefore, remain there as many days or weeks as may be necessary for this purpose. With this information, written and oral, you will be enabled to meet the minister in conversations on the subject of the navigation of the Mississippi, to which we wish you to lead his attention immediately. Impress him thoroughly with the necessity of an early, and even an immediate settlement of this matter, and of a return to the field of negotiation for this purpose; and though it must be done delicately, yet he must be made to understand unequivocally, that a resumption of the negotiation is not desired on our part, unless he can determine, in the first opening of it, to yield the immediate and full enjoy-

ment of that navigation. (I say nothing of the claims of Spain to our territory north of the thirty-first degree, and east of the Mississippi. They never merited the respect of an answer; and you know it has been admitted at Madrid, that they were not to be maintained.) It may be asked, what need of negotiation, if the navigation is to be ceded at all events? You know that the navigation cannot be practised without a port, where the sea and river vessels may meet and exchange loads, and where those employed about them may be safe and unmolested. The right to use a thing, comprehends a right to the means necessary to its use, and without which it would be useless. The fixing on a proper port, and the degree of freedom it is to enjoy in its operations, will require negotiation, and be governed by events. There is danger, indeed, that even the unavoidable delay of sending a negotiator here, may render the mission too late for the preservation of peace. It is impossible to answer for the forbearance of our western citizens. We endeavor to quiet them with the expectation of an attainment of their rights by peaceable means. But should they, in a moment of impatience, hazard others, there is no saying how far we may be led; for neither themselves nor their rights will ever be abandoned by us.

You will be pleased to observe, that we press these matters warmly and firmly, under this idea, that the war between Spain and Great Britain will be begun before you receive this; and such a moment must not

be lost. But should an accommodation take place, we retain, indeed, the same object and the same resolutions unalterably; but your discretion will suggest, that in that event, they must be pressed more softly, and that patience and persuasion must temper your conferences, till either these may prevail, or some other circumstance turn up, which may enable us to use other means for the attainment of an object which we are determined, in the end, to obtain at every risk.

I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO MONSIEUR DE PINTO.

NEW YORK, August 7, 1790.

SIR,—Under cover of the acquaintance I had the honor of contracting with you, during the negotiations we transacted together in London, I take the liberty of addressing you the present letter. The friendly dispositions you were then pleased to express towards this country, which were sincerely and reciprocally felt on my part towards yours, flatter me with the hope you will assist in maturing a subject for their common good. As yet, we have not the information necessary to present it to you formally, as the minister of her most faithful Majesty. I beg, therefore, that this letter may be considered as between two individual friends of their respective countries, preliminary to a formal proposition, and meant to give an acceptable shape to that.

It is unnecessary, with your Excellency, to go through the history of our first experiment in government; the result of which was, a want of such tone in the governing powers, as might effect the good of those committed to their care. The nation become sensible of this, have changed its organization, made a better distribution of its powers, and given to them more energy and independence. The new government has now, for some time, been under way; and so far, gives a confidence that it will answer its purposes. Abuses under the old forms, have led us to lay the basis of the new, in a rigorous economy of the public contributions. This principle will show itself in our diplomatic establishments; and the rather, as at such a distance from Europe, and with such an ocean between us, we hope to meddle little in its quarrels or combinations. Its peace and its commerce are what we shall court; and to cultivate these, we propose to place at the courts of Europe most interesting to us, diplomatic characters of economical grade, and shall be glad to receive like ones in exchange. The important commerce carried on between your country and ours, and the proofs of friendly disposition towards us which her Majesty has manifested, induce us to wish for such an exchange with her, to express our sensibility at the intimations heretofore received of her readiness to meet our wish in this point, and our regret at the delay which has proceeded from the circumstances before touched on. The grade to be exchanged is

the present question, and that on which I ask a friendly and informal consultation with you. That of chargé des affaires, is the one we would prefer. It is that we employ at the court of Madrid. But it has been said, that by the etiquette of your court, that grade cannot be received there under a favorable countenance. Something like this existed at the court of Madrid. But his most Catholic Majesty, in consideration of our peculiar circumstances, dispensed with a general rule in our favor and in our particular case; and our chargé des affaires there, enjoys at court the privileges, the respect and favor due to a friendly nation, to a nation whom distance and difference of circumstances liberate, in some degree, from an etiquette, to which it is a stranger at home as well as abroad. The representative of her Majesty here, under whatever name mutual convenience may designate him, shall be received in the plentitude of friendship and favor. May we not ask a reciprocal treatment of ours with you? The nations of Europe have already seen the necessity of distinguishing America from Europe, even in their treaties; and a difference of commerce, of government, of condition and character, must every day evince, more and more, the impracticability of involving them under common regulations. Nor ought a difference of arrangement with respect to us, to excite claims from others whose circumstances bear no similitude to ours.

I beg leave to submit these considerations to your

Excellency's wisdom and goodness. You will see them to be such as could not be offered formally. They must shield themselves under the protection of those sentiments of veneration and esteem with which your character heretofore inspired me, and which I flattered myself were not merely indifferent to you. Be so good as to honor with a conference hereon, the bearer, Colonel Humphreys (who was known to you in London), a gentleman who has long been of the President's family, and whose worth has acquired so much of our confidence, that whatever shall be arranged with him, on this subject, may be considered as settled. Presuming on a continuance of her Majesty's dispositions, accept this private assurance that a proper person shall be appointed in due form to reside with you, as soon as we shall know the result of your deliberations with Colonel Humphreys, whom I beg leave to present to your notice; adding the homage of those sentiments of respect and attachment with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO JOSHUA JOHNSON.

NEW YORK, August 7, 1790.

SIR,—The President of the United States, desirous of availing his country of the talents of its best citizens in their respective lines, has thought proper to nominate you consul for the United States, at the

port of London. The extent of our commercial and political connections with that country, marks the importance of the trust he confides to you, and the more, as we have no diplomatic character at that court. I shall say more to you in a future letter on the extent of the consular functions, which are, in general, to be confined to the superintendence and patronage of commerce and navigation; but in your position, we must desire somewhat more. Political intelligence from that country is interesting to us in a high degree. We must, therefore, ask you to furnish us with this as far as you shall be able; to send us moreover the gazette of the court, Woodfall's parliamentary paper, Debrett's parliamentary register; and to serve sometimes as a centre for our correspondences with other parts of Europe, by receiving and forwarding letters sent to your care. It is desirable that we be annually informed of the extent to which the British fisheries are carried on within each year, stating the number and tonnage of the vessels, and the number of men employed in the respective fisheries, to wit, the northern and southern whale fisheries, and the cod fishery. I have as yet no statement of them for the year 1789, with which, therefore, I will thank you to begin. While the press of seamen continues, our seamen in ports nearer to you than to Liverpool, (where Mr. Maury is consul,) will need your protection. The liberation of those impressed should be desired of the proper authority, with due firmness, yet always in temperate and

respectful terms, in which way, indeed, all applications to government should be made.

The public papers herein desired may come regularly, once a month, by the British packet, and intermediately, by any vessels bound directly either to Philadelphia or New York. All expenses incurred for papers and postages, shall be paid at such intervals as you choose, either here, on your order, or by bill on London, whenever you transmit to me an account.

There was a bill brought into the legislature for the establishment of some regulations in the consular offices; but it is postponed to the next session. That bill proposed some particular fees for particular services. They were, however, so small, as to be no object. As there will be little or no legal emolument annexed to the office of consul, it is, of course, not expected that it shall render any expense incumbent on him.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

NEW YORK, August 10, 1790.

DEAR SIR,—This letter, with the very confidential papers it encloses, will be delivered to you by Mr. Barrett with his own hands. If there be no war between Spain and England, they need be known to yourself alone. But if that war be begun, or whenever it shall begin, we wish you to communicate them to the Marquis de La Fayette, on whose assist-

ance we know we can count in matters which interest both our countries. He and you will consider how far the contents of these papers may be communicated to the Count de Montmorin, and his influence be asked with the court of Madrid. France will be called into the war, as an ally, and not on any pretence of the quarrel being in any degree her own. She may reasonably require then, that Spain should do everything which depends on her, to lessen the number of her enemies. She cannot doubt that we shall be of that number, if she does not yield our right to the common use of the Mississippi, and the means of using and securing it. You will observe, we state in general the necessity, not only of our having a port near the mouth of the river, (without which we could make no use of the navigation at all) but of its being so well separated from the territories of Spain and her jurisdiction, as not to engender daily disputes and broils between us. It is certain, that if Spain were to retain any jurisdiction over our entrepôt, her officers would abuse that jurisdiction, and our people would abuse their privileges in it. Both parties must foresee this, and that it will end in war. Hence the necessity of a well-defined separation. Nature has decided what shall be the geography of that in the end, whatever it might be in the beginning, by cutting off from the adjacent countries of Florida and Louisiana, and enclosing between two of its channels, a long and narrow slip of land, called the Island of New Orleans. The idea

of ceding this, could not be hazarded to Spain, in the first step; it would be too disagreeable at first view; because this island, with its town, constitutes, at present, their principal settlement in that part of their dominions, containing about ten thousand white inhabitants of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. That we have a right to some spot as an entrepôt for our commerce, may be at once affirmed. The expediency, too, may be expressed, of so locating it as to cut off the source of future quarrels and wars. A disinterested eye, looking on a map, will remark how conveniently this tongue of land is formed for the purpose; the Iberville and Amit channel offering a good boundary and convenient outlet, on the one side, for Florida, and the main channel an equally good boundary and outlet, on the other side, for Louisiana; while the slip of land between, is almost entirely morass or sandbank; the whole of it lower than the water of the river, in its highest floods, and only its western margin (which is the highest ground) secured by banks and inhabited. I suppose this idea too much even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge, and get him to recommend to the Spanish court, only in general terms, "a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain," leaving the idea to future growth.

I enclose you the copy of a paper distributed by the Spanish commandant on the west side of the Mississippi, which may justify us to M. de Montmorin, for pushing this matter to an immediate conclusion. It cannot be expected we shall give Spain time, to be used by her for dismembering us.

It is proper to apprise you of a circumstance, which may show the expediency of being in some degree on your guard, even in your communications to the court of France. It is believed here, that the Count de Moustier, during his residence with us, conceived the project of again engaging France in a colony upon our continent, and that he directed his views to some of the country on the Mississippi, and obtained and communicated a good deal of matter on the subject to his court. He saw the immediate advantage of selling some yards of French cloths and silks to the inhabitants of New Orleans. But he did not take into account what it would cost France to nurse and protect a colony there, till it should be able to join its neighbors, or to stand by itself; and then what it would cost her to get rid of it. I hardly suspect that the court of France could be seduced by so partial a view of the subject as was presented to them, and I suspect it the less, since the National Assembly has constitutionally excluded conquest from the object of their government. It may be added, too, that the place being ours, their yards of cloth and silk would be as freely sold as if it were theirs.

You will perceive by this letter, and the papers it

encloses, what part of the ideas of Count d'Estain correspond with our views. The answer to him must be a compound of civility and reserve, expressing our thankfulness for his attentions, that we consider them as proofs of the continuance of his friendly dispositions, and that though it might be out of our system to implicate ourselves in trans-Atlantic guarantees, yet other parts of his plans are capable of being improved to the common benefit of the parties. Be so good as to say to him something of this kind verbally, and so as that the matter may be ended as between him and us.

On the whole, in the event of war, it is left to the judgment of the Marquis de La Fayette and yourself, how far you will develop the ideas now communicated to the Count de Montmorin, and how far you will suffer them to be developed to the Spanish court.

I enclose you a pamphlet by Hutchins for your further information on the subject of the Mississippi; and am, with sentiments of perfect esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO COLONEL DAVID HUMPHREYS.

NEW YORK, August 11, 1790.

SIR,—The President having thought proper to confide several special matters in Europe to your care, it will be expedient that you take your passage

in the first convenient vessel bound to the port of London.

When there, you will be pleased to deliver to Mr. G. Morris and to Mr. Johnson, the letters and papers you will have in charge for them, to communicate to us from thence any interesting public intelligence you may be able to obtain, and then to take as early a passage as possible to Lisbon.

At Lisbon, you will deliver the letter with which you are charged for the Chevalier Pinto, putting on it the address proper to his present situation. You know the contents of this letter, and will make it the subject of such conferences with him, as may be necessary to obtain our point of establishing there the diplomatic grade which alone coincides with our system, and of insuring its reception and treatment with the requisite respect. Communicate to us the result of your conferences, and then proceed to Madrid.

There you will deliver the letters and papers which you have in charge for Mr. Carmichael, the contents of all which are known to you. Be so good as to multiply, as much as possible, your conferences with him, in order to possess him fully of the special matters sketched out in those papers, and of the state of our affairs in general.

Your stay there will be as long as its object may require, only taking care to return to Lisbon by the time you may reasonably expect that our answers to your letters, to be written from Lisbon, may reach

that place. This cannot be earlier than the first or second week of January. These answers will convey to you the President's further pleasure.

Through the whole of this business, it will be best that you avoid all suspicion of being on any public business. This need be known only to the Chevalier Pinto and Mr. Carmichael. The former need not know of your journey to Madrid, or if it be necessary, he may be made to understand that it is a journey of curiosity, to fill up the interval between writing your letters and receiving the answers. To every other person, it will be best that you appear as a private traveller.

The President of the United States allows you from this date, at the rate of two thousand two hundred and fifty dollars a year, for your services and expenses, and moreover, what you may incur for the postage of letters; until he shall otherwise order.

TO GOUVERNEUR MORRIS.

NEW YORK, August 12, 1790.

DEAR SIR,—Your letter of May the 29th to the President of the United States, has been duly received. You have placed their proposition of exchanging a minister on proper ground. It must certainly come from them, and come in unequivocal form. With those who respect their own dignity so much, ours must not be counted at naught. On

their own proposal formally, to exchange a minister, we sent them one. They have taken no notice of that, and talk of agreeing to exchange one now, as if the idea were new. Besides, what they are saying to you, they are talking to us through Quebec; but so informally, that they may disavow it when they please. It would only oblige them to make the fortune of the poor Major, whom they would pretend to sacrifice. Through him, they talk of a minister, a treaty of commerce *and alliance*. If the object of the latter be honorable, it is useless; if dishonorable, inadmissible. These tamperings prove they view a war as very possible; and some symptoms indicate designs against the Spanish possessions adjoining us. The consequences of their acquiring all the country on our frontier, from the St. Croix to the St. Mary's, are too obvious to you to need development. You will readily see the dangers which would then environ us. We wish you, therefore, to intimate to them that we cannot be indifferent to enterprises of this kind. That we should contemplate a change of neighbors with extreme uneasiness; and that a due balance on our borders is not less desirable to us, than a balance of power in Europe has always appeared to them. We wish to be neutral, and we will be so, *if they will execute the treaty fairly*, and *attempt no conquests adjoining us*. The first condition is just; the second imposes no hardship on them. They cannot complain that the other dominions of Spain would be so narrow as not to leave them room enough

for conquest. If the war takes place, we would really wish to be quieted on these two points, offering in return an honorable neutrality. More than this, they are not to expect. It will be proper that these ideas be conveyed in delicate and friendly terms; but that they be conveyed, if the war takes place; for it is in that case alone, and not till it be begun, that we should wish our dispositions to be known. But in no case, need they think of our accepting any equivalent for the posts.

I have the honor to be, with great respect and esteem, dear Sir, your most obedient, and most humble servant.

TO THE ATTORNIES OF THE UNITED STATES FOR THE SEVERAL DISTRICTS, THOSE OF MAINE AND KENTUCKY EXCEPTED.

NEW YORK, August 12, 1790.

SIR,—It is desirable that government should be informed what proceedings have taken place in the several States since the treaty with Great Britain, which may be considered by that nation as infractions of the treaty, and consequently that we should be furnished with copies of all acts, orders, proclamations, and decisions, legislative, executive, or judiciary, which may have affected the debts or other property, or the persons, of British subjects or American refugees. The proceedings subsequent to the treaty, will sometimes call for those also which

took place during the war. No person is more able than yourself, Sir, to furnish us with a list of the proceedings of this kind which have taken place within your State, nor is there any one on whom we may with more propriety rely for it, as well as to take the trouble of furnishing us with exact copies of them. Should you be so kind as to state any facts or circumstances which may enter into the justification or explanation of any of these proceedings, they will be thankfully received; and it is wished the whole may come to hand between this and the last of October.

While I am troubling you with this commission, I am obliged to add a second, which being undertaken at this time, will abridge the labor of the first. It is found indispensable that we be possessed here of a complete collection of all the printed laws and ordinances, ancient and modern, of every State of the Union. I must ask the favor of you, Sir, to have such a collection made for us, so far as relates to your State. The volumes of this collection which, being more modern, may be more readily found, I will ask the favor of you to send immediately by whatever conveyance you think safest and best; those more rarely to be had, you will be so good as to forward from time to time, as you can get them. For your reimbursement, be pleased to draw on me, only expressing in your draught that it is for "the laws of your State, purchased and forwarded for the United States:" or, if it should be more convenient

to you, I will at any time send you an order from the treasury for your reimbursement on the collection most convenient to you. This shall be as you please.

Your zeal for the general service needs not to be excited by information, that it is with the special approbation of the President of the United States that I address you on this occasion.

I have the honor to be, with great regard, Sir, your most obedient, and most humble servant

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TO MR. RANDOLPH.

NEW YORK, August 14, 1790.

DEAR SIR,—I am setting out on a trip to Rhode Island with the President to-morrow, by water. We shall be absent five or six days, and of course his departure hence to the southward will be that much later than he intended; and my departure, which must be after his, a little delayed. Still I hope to reach Monticello by the 15th of September, or from that to the 20th. We have just concluded a treaty with the Creeks, which is important, as drawing a line between them and Georgia, and enabling the government to do, as it will do, justice against either party offending. Congress separated the day before yesterday, having in the latter part of their session re-acquired the harmony which had always distinguished their proceedings, till the two disagreeable subjects of the assumption and residence were intro-

duced. These really threatened, at one time, a separation of the legislature *sine die*. They saw the necessity of suspending almost all business for some time; and, when they resumed it, of some mutual sacrifices of opinion. It is not foreseen that anything so generative of dissension can arise again, and therefore the friends of the government hope that, this difficulty once surmounted in the States, everything will work well. I am principally afraid that commerce will be overloaded by the assumption, believing that it would be better that property should be duly taxed. Present me affectionately to my dear daughters, and believe me to be sincerely yours.

TO GOVERNOR HANCOCK.

NEW YORK, August 24, 1790.

SIR,—The representatives of the United States have been pleased to refer to me the representation from the general court of Massachusetts, on the subject of the whale and cod fisheries, which had been transmitted by your Excellency, with an instruction to examine the matter thereof, and report my opinion thereupon to the next session of Congress. To prepare such a report as may convey to them the information necessary to lead to an adequate remedy, it is indispensable that I obtain a statement of the fisheries, comprehending such a period before and since the war, as may show the extent to which they

were and are carried on. With such a statement under their view, Congress may be able, by comparing the circumstances which existed when the fisheries flourished, with those which exist at this moment of their decline, to discover the cause of that decline, and provide either a remedy for it, or something which may countervail its effect. This information can be obtained nowhere but in the State over which your Excellency presides, and under no other auspices so likely to produce it. May I, therefore, take the liberty of soliciting your Excellency to charge with the collecting and furnishing me this information, some person or persons who may be competent to the object. Taking a point of commencement at a proper interval before the year of greatest prosperity, there should be stated in a table, year by year, under different columns, as follows:

1. The number of vessels fitted out each year for the cod-fishery. 2. Their tonnage. 3. The number of seamen employed. 4. The quantity of fish taken; 1, of superior quality; 2, of inferior. 5. The quantity of each kind exported; 1, to Europe, and to what countries there; 2, to other, and what parts of America. 6. The average prices at the markets; 1, of Europe; 2, of America. With respect to the whale fishery, after the three first articles, the following should be substituted. 4. Whether to the northern or southern fishery. 5. The quantity of oil taken; 1, of the spermaceti whale; 2, of the other kinds. 6. To what market each kind was sent. 7.

The average prices of each. As the ports from which the equipments were made, could not be stated in the same table conveniently, they might form a separate one. It would be very material that I should receive this information by the first of November, as I might be able to bestow a more undisturbed attention to the subject before than after the meeting of Congress, and it would be better to present it to them at the beginning, than towards the close of a session.

The peculiar degree of interest with which this subject must affect the State of Massachusetts, the impossibility of obtaining necessary information from any other quarter, and the slender means I should have of acquiring it from thence, without the aid of your Excellency, will, I hope, be a sufficient apology for the trouble I take the liberty of giving you; and I am happy in every occasion of repeating assurances of the respect and attachment with which I have the honor to be, your Excellency's most obedient, and most humble servant.

Circular of the Consuls and Vice-Consuls of the United States.

NEW YORK, August 26, 1790.

SIR,—I expected ere this, to have been able to send you an act of Congress, prescribing some special duties and regulations for the exercise of the con-

sular offices of the United States; but Congress not having been able to mature the act sufficiently, it lies over to their next session. In the meanwhile, I beg leave to draw your attention to some matters of information, which it is interesting to receive.

I must beg the favor of you to communicate to me every six months, a report of the vessels of the United States which enter at the ports of your district, specifying the name and burthen of each vessel, of what description she is, (to wit, ship, snow, brig, etc.,) the names of the master and owners, and number of seamen, the port of the United States from which she cleared, places touched at, her cargo outward and inward, and the owners thereof, the port to which she is bound, and times of arrival and departure; the whole arranged in a table under different columns, and the reports closing on the last days of June and December.

We wish you to use your endeavors that no vessel enter as an American in the ports of your district, which shall not be truly such, and that none be sold under that name, which are not really of the United States.

That you give to me, from time to time, information of all military preparations, and other indications of war which may take place in your ports; and when a war shall appear imminent, that you notify thereof the merchants and vessels of the United States within your district that they may be duly on their guard; and in general, that you com-

municate to me such political and commercial intelligence, as you may think interesting to the United States.

The consuls and vice-consuls of the United States are free to wear the uniform of their navy, if they choose to do so. This is a deep blue coat with red facings, lining and cuffs, the cuffs slashed and a standing collar; a red waistcoat (laced or not at the election of the wearer) and blue breeches; yellow buttons with a foul anchor, and black cockades and small swords.

Be pleased to observe, that the vice-consul of one district is not at all subordinate to the consul of another. They are equally independent of each other.

The ground of distinction between these two officers is this. Our government thinks, that to whatever there may be either of honor or profit resulting from the consular office, native citizens are first entitled, where such, of proper character, will undertake the duties; but where none such offer, a vice-consul is appointed of any other nation. Should a proper native come forward at any future time, he will be named consul; but this nomination will not revoke the commission of vice-consul; it will only suspend his functions during the continuance of the consul within the limits of his jurisdiction, and on his departure therefrom, it is meant that the vice-consular authority shall revive of course, without the necessity of a re-appointment.

It is understood, that consuls and vice-consuls have authority of course, to appoint their own agents in the several ports of their district, and that it is with themselves alone those agents are to correspond.

It will be best not fatigue the government in which you reside, or those in authority under it, with applications in unimportant cases. Husband their good dispositions for occasions of some moment, and let all representations to them be couched in the most temperate and friendly terms, never indulging in any case whatever, a single expression which may irritate.

I have the honor to be, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

NEW YORK, August 26, 1790.

DEAR SIR,—My last letters to you have been of the 26th of July, and 10th instant. Yours of May the 16th, No. 31, has come to hand.

I enclose you sundry papers, by which you will perceive, that the expression in the eleventh article of our treaty of amity and commerce with France, viz. "that the subjects of the United States shall not be reputed Aubaines *in France*, and consequently shall be exempted from the Droit d'Aubaine, or other similar duty, under what name soever," has been construed so rigorously to the letter, as to consider

us as Aubaines in the *colonies* of France. Our intercourse with those colonies is so great, that frequent and important losses will accrue to individuals, if this construction be continued. The death of the master or supercargo of a vessel, rendered a more common event by the unhealthiness of the climate, throws all the property which was either his, or under his care, into contest. I presume that the enlightened Assembly now engaged in reforming the remains of feudal abuse among them, will not leave so inhospitable an one as the Droit d'Aubaine existing in France, or any of its dominions. If this may be hoped, it will be better that you should not trouble the minister with any application for its abolition in the colonies as to us. This would be erecting into a special favor to us, the extinction of a general abuse, which will, I presume, extinguish of itself. Only be so good as to see, that in abolishing this odious law in France, its abolition in the colonies also, be not omitted by mere oversight; but if, contrary to expectations, this fragment of barbarism be suffered to remain, then it will become necessary that you bring forward the enclosed case, and press a liberal and just exposition of our treaty, so as to relieve our citizens from this species of risk and ruin hereafter. Supposing the matter to rest on the eleventh article only, it is inconceivable, that he, who with respect to his personal goods is as a native citizen in the mother country, should be deemed a foreigner in its colonies. Accordingly, you

will perceive by the opinions of Dr. Franklin and Dr. Lee, two of our ministers who negotiated and signed the treaty, that they considered that rights stipulated for us *in France*, were meant to exist in all the *dominions of France*.

Considering this question under the second article of the treaty also, we are exempted from the Droit d'Aubaine in all the dominions of France; for by that article, no particular favor is to be granted to any other nation, which shall not immediately become common to the other party. Now, by the forty-fourth article of the treaty between France and England, which was subsequent to ours, it is stipulated, "que dans tout ce qui concerne—*les successions des biens mobiliers*—les sujets des deux hautes parties contractantes auront *dans les Etats respectifs* les memes privileges, libertés et droits, que la nation la plus favorisée." This gave to the English the general abolition of the Droit d'Aubaine, enjoyed by the Hollanders under the first article of their treaty with France, of July the 23d, 1773, which is in these words. "Les sujets des E. G. des P. U. des pays-bas ne seront point assujettis au Droit d'Aubaine dans les Etats de S. M. T. C." This favor then, being granted to the English subsequent to our treaty, we become entitled to it of course by the article in question. I have it not in my power at this moment, to turn to the treaty between France and Russia, which was also posterior to ours. If by that, the Russians are ex-

empted from the Droit d'Aubaine, "*dans les Etats de* S. M. T. C." it is a ground the more for our claiming the exemption. To these, you will be pleased to add such other considerations of reason, friendship, hospitality and reciprocity, as will readily occur to yourself.

About two or three weeks ago, a Mr. Campbell called on me, and introduced himself by observing that his situation was an awkward one, that he had come from Denmark with an assurance of being employed here in a public character, that he was actually in service, though unannounced. He repeated conversations which had passed between Count Bernstorff and him, and asked me when a minister would be appointed to that court, or a character sent to negotiate a treaty of commerce; he had not the scrip of a pen to authenticate himself, however informally. I told him our government had not yet had time to settle a plan of foreign arrangements; that with respect to Denmark particularly, I might safely express to him those sentiments of friendship which our government entertained for that country, and assurances that the King's subjects would always meet with favor and protection here; and in general, I said to him those things which being true, might be said to anybody. You can perhaps learn something of him from the Baron de Blome. If he be an unauthorized man, it would be well it should be known here, as the respect which our citizens might entertain, and the credit

they might give to any person supposed to be honored by the King's appointment, might lead them into embarrassment.

You know the situation of the new loan of three millions of florins going on at Amsterdam. About one half of this is destined for an immediate payment to France; but advantage may be gained by judiciously timing the payment. The French colonies will doubtless claim in their new constitution, a right to receive the necessaries of life from whomever will deliver them cheapest; to wit, grain, flour, live stock, salted fish, and other salted provisions. It would be well that you should confer with their deputies, guardedly, and urge them to this demand, if they need urging. The justice of the National Assembly will probably dispose them to grant it, and the clamors of the Bordeaux merchants may be silenced by the clamors and arms of the colonies. It may co-operate with the influence of the colonies, if favorable dispositions towards us can be excited in the moment of discussing this point. It will therefore be left to you to say when the payment shall be made, in confidence that you will so time it, as to forward this great object; and when you make this payment, you may increase its effect, by adding assurances to the minister, that measures have been taken which will enable us to pay up, within a very short time, all arrears of principal and interest now due; and further, that Congress has fully authorized our government to go on and pay even the balance

not yet due, which we mean to do, if that money can be borrowed on reasonable terms; and that favorable arrangements of commerce between us and their colonies, might dispose us to effect that payment with less regard to terms. You will, of course, find excuses for not paying the money which is ready and put under your orders, till you see that the moment has arrived when the emotions it may excite, may give a decisive cast to the demands of the colonies.

The newspapers, as usual, will accompany the present.

I have the honor to be, with great esteem and attachment, dear Sir, your most obedient, and most humble servant.

TO THE SECRETARY OF WAR.

NEW YORK, August 26, 1790.

DEAR SIR,—On the hasty view which the shortness of time permits me to take of the treaty of Hopewell, the act of cession of North Carolina and the act of acceptance by Congress, I hazard the following sentiments:

Were the treaty of Hopewell, and the act of acceptance of Congress to stand in any point in direct opposition to each other, I should consider the act of acceptance as void in that point; because the treaty is a law made by two parties, and not revocable by one of them either acting alone or in conjunction with a third party. If we consider the acceptance as a

legislative act of Congress, it is the act of one party only; if we consider it as a treaty between Congress and North Carolina, it is but a subsequent treaty with another power, and cannot make void a preceding one with a different power.

But I see no such opposition between these two instruments. The Cherokees were entitled to the sole occupation of the lands within the limits guaranteed to them. The State of North Carolina, according to the *jus gentium* established for America by universal usage, had only a right of pre-emption of these lands against all other nations. It could convey, then, to its citizens only this right of pre-emption, and the right of occupation could not be united to it till obtained by the United States from the Cherokees. The act of cession of North Carolina only preserves the rights of its citizens in the same state as they would have been, *had that act never been passed.* It does not make imperfect titles perfect; but only prevents their being made worse. Congress, by their act, accept on these conditions. The claimants of North Carolina, then, and also the Cherokees, are exactly where they would have been, had neither the act of cession, nor that of acceptance, been ever made; that is, the latter possess the right of occupation, and the former the right of pre-emption.

Though these deductions seem clear enough, yet the question would be a disagreeable one between the general government, a particular government,

and individuals, and it would seem very desirable to draw all the claims of pre-emption within a certain limit, by commuting for those out of it, and then to purchase of the Cherokees the right of occupation.

I have the honor to be, my dear Sir, yours respectfully and affectionately.

TO MONSIEUR LA FOREST, CONSUL OF FRANCE.

NEW YORK, August 30, 1790.

SIR,—I asked the favor of the Secretary of the Treasury to consider the fourth article of the consular convention, and to let me know whether he should conclude that consuls not exercising commerce, were exempt from paying duties on things imported for their own use. I furnished him no explanation whatever, of what had passed on the subject at the time of forming the convention, because I thought it should be decided on the words of the convention, as they are offered to all the world, and that it would only be where these are equivocal, that explanations might be adduced from other circumstances. He considered the naked words of the article, and delivered me as his opinion, that, according to these, the first paragraph, "The consuls, and vice-consuls, etc., as the natives are," subjected all their property, in whatever form and under whatever circumstances it existed, to the same duties and taxes to which the property of other individuals is liable, and exempts them only from *taxes on their persons*, as poll taxes, head rates for the poor, for town

charges, etc.; and that the second paragraph, "Those of the said consuls, etc., or other merchants," subjected such of them as exercised commerce, even to the same *personal taxes* as other merchants are: that the second paragraph is an abridgment of the first, not an enlargement of it; and that the exemption of those, not merchants, which seemed *implied* in the words of the second paragraph, could not be admitted against the contrary meaning, directly and unequivocally expressed in the first.

Such, Sir, was his opinion, and it is exactly conformable to what the negotiators had in view in forming this article. I have turned to the papers which passed on that occasion, and I find that the first paragraph was proposed in the first project given in by myself, by which the distinction between taxes on their property and taxes on their persons, is clearly enounced, and was agreed to; but as our merchants exercising commerce in France, would have enjoyed a much greater benefit from the personal exemption, than those of France do here, M. de Reyneval, in his first counter-project, inserted the second paragraph, to which I agreed. So that the object was, in the first paragraph, to put consuls, not being merchants, on the same footing with citizens, not being merchants; and in the second, to put consuls, merchants, on the same footing with citizens, merchants.

This, Sir, we suppose to be the sense of the convention, which has become a part of the law of the

land, and the law, you know, in this country, is not under the control of the executive, either in its meaning or course. We must reserve, therefore, for more favorable occasions, our dispositions to render the situation of the consuls of his Majesty as easy as possible, by indulgences depending more on us; and of proving the sentiments of esteem and attachment to yourself personally, with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO MR. BONDFIELD.

NEW YORK, August 31, 1790.

DEAR SIR,—You will have understood perhaps that in the appointment of consuls, which has taken place, another than yourself has been named for Bordeaux. I feel it a duty to explain this matter to you, lest it should give you an uneasiness as to the cause. No nomination occasioned more difficulty, nor hung longer suspended. But the senate refused in every instance, where there was a *native citizen* in any port, to consent to the nomination of any other. While this explains the reason of your not having been appointed, I trust it will also excuse those with whom the appointment rested. With respect to myself particularly, I beg you to be assured that I shall be happy in every occasion of being useful to you, and of proving to you the sentiments of esteem and attachment with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO MR. VIAR.

MONTICELLO, October 27, 1790.

SIR,—I am honored here by the receipt of your favor of the 7th instant, covering a letter to me from the governor of East Florida, wherein he informs me that he has received the King's orders, not to permit, under any pretext, that persons held in slavery in the United States introduce themselves as free, into the province of East Florida. I am happy that this grievance, which had been a subject of great complaint from the citizens of Georgia, is to be removed, and that we have therein a proof as well of the general principles of justice which form the basis of his Majesty's character and administration, as of his disposition to meet us in the cultivation of that mutual friendship and union of interests which would be the happiness of both countries, and is the sincere wish of ours.

I have the honor to be, with sentiments of the most perfect respect and esteem, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, October 27, 1790.

SIR,—I had intended to set out about this time for Philadelphia, but the desire of having Mr. Madison's company, who cannot return for some days yet, and

believing that nothing important requires my presence at Philadelphia as yet, induce me to postpone my departure to the 8th of the ensuing month, so that it will be about the 12th before I can have the honor of waiting on you at Mount Vernon, to take your commands. In the meantime, the papers enclosed will communicate to you everything which has occurred to me since I saw you, and worthy notice. Our affair with Algiers seems to call for some new decision; and something will be to be done with the new Emperor of Morocco. Mr. Madison and myself have endeavored to press on some members of the assembly the expediency of their undertaking to build two good private dwelling houses a year, for ten years in the new city, to be rented or sold for the benefit of the State. Should they do this, and Maryland as much, it will be one means of ensuring the removal of government thither. Candidates for the Senate are said to be the Speaker, Colonel Harrison, Colonel H. Lee, and Mr. Walker; but it is the opinion of many that Colonel Monroe will be impressed into the service. He has agreed, it seems, with a good deal of reluctance, to say he will serve if chosen. I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO FREDERICK KINLOCH, ESQ.

PHILADELPHIA, November 26, 1790.

DEAR SIR,—Your favor of April 26th, 1789, did not come to my hands till the 4th of the last month, when it found me on my way to Virginia. It should not otherwise have been so long unanswered. I am certainly flattered by the approbation you are so good as to express of the Notes on Virginia. The passage relative to the English, which has excited disagreeable sensations in your mind, is accounted for by observing that it was written during the war, while they were committing depredations in my own country and on my own property never practised by a civilized nation. Perhaps their conduct and dispositions since the war have not been as well calculated as they might have been to excite more favorable dispositions on our part. Still, as a political man, they shall never find any passion in me either for or against them. Whenever their avarice of commerce will let them meet us fairly half way, I should meet them with satisfaction, because it would be for our benefit; but I mistake their character if they do this under present circumstances.

The rumors of war seem to pass away. Such an event might have produced to us some advantages; but it might also have exposed us to dangers; and on the whole I think a general peace more desirable. Be so good as to present my respects to Mrs. Kinloch, and to be assured of the esteem and respect with

which I am, dear Sir, your most obedient, and most humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, November 26, 1790.

DEAR SIR,—I have yet to acknowledge the receipt of your two favors of April 10 and July 7. By the latter it would seem as if you had written an intermediate one, which has never come to hand; and the letter of July 7 itself, was not received till the 14th of October, while I was in Virginia, from which I am but just returned. The President is not yet returned, though expected to-morrow. The Declaration and Counter-Declaration established with us a full expectation that peace would be continued; perhaps this is still the most rational opinion, though the *English* papers continue to talk of preparations for war. That such an event would have ensured good prices for our produce, and so far have been advantageous, is probable; but it would have exposed us to risks also, which are better deferred, for some years at least. It is not to be expected that our system of finance has met your approbation in all its parts. It has excited even here great opposition; and more especially that part of it which transferred the State debts to the general government. The States of Virginia and North Carolina are peculiarly dissatisfied with this measure. I believe, however, that it is harped on by many to mask their dis-

affection to the government on other grounds. Its great foe in Virginia is an implacable one. He avows it himself, but does not avow all his motives for it. The measures and tone of the government threaten abortion to some of his speculations; most particularly to that of the Yazoo territory. But it is too well nerved to be overawed by individual opposition. It is proposed to provide additional funds, to meet the additional debt, by a tax on spirituous liquors, foreign and home-made, so that the whole interest will be paid by taxes on consumption. If a sufficiency can now be raised in this way to pay the interest at present, its increase by the increase of population (suppose five per cent. per annum), will alone sink the principal within a few years, operating, as it will, in the way of compound interest. Add to this what may be done by throwing in the aid of western lands and other articles as a sinking fund, and our prospect is really a bright one.

A pretty important expedition has been undertaken against the Indians north of the Ohio. As yet we have no news of its success. The late elections of members of Congress have changed about a third or fourth of them. It is imagined the session of Congress, which is to begin within ten days, will end on the 3d of March, with the federal year; as a continuance over that day would oblige them to call forward the new members. The admission of Vermont and Kentucky into Congress, will be decided

on in this session. I have the honor to be, with very great esteem, dear Sir, your most obedient, and most humble servant.

TO COUNT DE MOUSTIER.

PHILADELPHIA, December 3, 1790.

DEAR SIR,—I am afraid I have suffered in your opinion from the delay of acknowledging the receipt of your several letters, into which I have been led by unavoidable circumstances. The truth is that since my arrival in America (now exactly a twelvemonth), I have been able to pass not one-third of that time at the seat of government, one half of which was lost by an illness, during which I was incapable of doing anything, and the residue so engaged by accumulated business as to oblige me to suspend my private correspondences. I beg you to be assured that yours is valued by me too much to have been suspended under any other circumstances. I am just now returned from Virginia to this place, where the members of government are now assembling to begin its administration here, and I avail myself of the first moments to recall myself to your recollection. Fortune seems to have arranged among her destinies that I should never continue for any time with a person whose manners and principles had excited my warm attachment. While I resided in France, you resided in America. While I was crossing over to America, you were crossing back to France; when

I am come to reside with our government, your residence is transferred to Berlin. Of all this, Fortune is the mistress; but she cannot change my affections, nor lessen the regrets I feel at their perpetual disappointment. I am sincerely sorry at the delays which the settlement of your constitution has experienced. I suppose they have been rendered unavoidable by difficulties, and hope all will end well. They have certainly prolonged the risk to which the new work was exposed from without as well as within. I think it would be better to wind it up as quickly as possible, to consider it as a mere experiment to be amended hereafter, when time and trial shall show where it is imperfect. Our second experiment is going on happily; and so far we have no reason to wish for changes, except by adding those principles which several of the States thought were necessary as a further security for their liberties. All of these, as proposed by Congress, will certainly be adopted, except the second, which is doubtful, and the first, which is rejected. The powers of the government for the collection of taxes, are found to be perfect, so far as they have been tried. This has been as yet only by duties on consumption. As these fall principally on the rich, it is a general desire to make them contribute the whole money we want, if possible. And we have a hope that they will furnish enough for the expenses of government and the interest of our whole public debt, foreign and domestic. If they do this for the present, their increase, from

the increase of population and consumption, (which is at the rate of five per centum per annum,) will sink the capital in thirteen or fourteen years, as it will operate in the way of compound interest. Independent of this prospect, which is itself a good one, we make the produce of our land office, and some other articles, a sinking fund for the principal. We are now going on with a census of our inhabitants. It will not be completed till the next summer; but such progress is already made as to show our numbers will very considerably exceed the former estimates. I shall be happy to hear of your health and welfare everywhere, and that you will continue persuaded of the sentiments of respect and esteem with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO MR. NOAH WEBSTER, AT HARTFORD.

PHILADELPHIA, December 4, 1790.

SIR,—Your favor of October 4 came to my hands on the 20th of November. Application was made a day or two after to Mr. Dobson for the copies of your Essays, which were received, and one of them lodged in the office. For that intended for myself, be pleased to accept my thanks. I return you the order on Mr. Allen, that on Dobson having been made use of instead of it. I submit to your consideration whether it might not be advisable to record a second time your right to the Grammatical Insti-

tutes, in order to bring the lodging of the copy in my office within the six months, made a condition in the law? I have not at this moment an opportunity of turning to the law to see if that may be done; but I suppose it possible that the failure to fulfil the legal condition on the first record might excite objections against the validity of that.

In mentioning me in your Essays, and canvassing my opinions, you have done what every man has a right to do, and it is for the good of society that that right should be freely exercised. No republic has more zeal than that of letters, and I am the last in principles, as I am the least in pretensions, to any dictatorship in it. Had I other dispositions, the philosophical and dispassionate spirit with which you have expressed your own opinions in opposition to mine, would still have commanded my approbation. A desire of being set right in your opinion, which I respect too much not to entertain that desire, induces me to hazard to you the following observations. It had become an universal and almost uncontroverted position in the several States, that the purposes of society do not require a surrender of all our rights to our ordinary governors; that there are certain portions of right not necessary to enable them to carry on an effective government, and which experience has nevertheless proved they will be constantly encroaching on, if submitted to them; that there are also certain fences which experience has proved peculiarly efficacious against wrong, and

rarely obstructive of right, which yet the governing powers have ever shown a disposition to weaken and remove. Of the first kind, for instance, is freedom of religion; of the second, trial by jury, habeas corpus laws, free presses. These were the settled opinions of all the States,—of that of Virginia, of which I was writing, as well as of the others. The others had, in consequence, delineated these unceded portions of right, and these fences against wrong, which they meant to exempt from the power of their governors, in instruments called declarations of rights and constitutions; and as they did this by conventions, which they appointed for the express purpose of reserving these rights, and of delegating others to their ordinary legislative, executive and judiciary bodies, none of the reserved rights can be touched without resorting to the people to appoint another convention for the express purpose of permitting it. Where the constitutions then have been so formed by conventions named for this express purpose, they are fixed and unalterable but by a convention or other body to be specially authorized; and they have been so formed by, I believe, all the States, except Virginia. That State concurs in all these opinions, but has run into the wonderful error that her constitution, though made by the ordinary legislature, cannot yet be altered by the ordinary legislature. I had, therefore, no occasion to prove to them the expediency of a constitution alterable only by a special convention. Accordingly, I have not in my

notes advocated that opinion, though it was and is mine, as it was and is theirs. I take that position as admitted by them, and only proceed to adduce arguments to prove that they were mistaken in supposing their constitution could not be altered by the common legislature. Among other arguments I urge that the convention which formed the constitution had been chosen merely for ordinary legislation; that they had no higher power than every subsequent legislature was to have; that all their acts are consequently repealable by subsequent legislatures; that their own practice at a subsequent session proved they were of this opinion themselves; that the opinion and practice of several subsequent legislatures had been the same, and so conclude "that their constitution is alterable by the common legislature." Yet these arguments urged to prove that their constitution *is* alterable, you cite as if urged to prove that it *ought not to be* alterable, and you combat them on that ground. An argument which is good to prove one thing, may become ridiculous when exhibited as intended to prove another thing. I will beg the favor of you to look over again the passage in my notes, and am persuaded you will be sensible that you have misapprehended the object of my arguments, and therefore have combated them on a ground for which they were not intended. My only object in this is the rectification of your own opinion of me, which I repeat that I respect too much to neglect. I have certainly no view of enter-

ing into the contest, whether it be expedient to delegate unlimited powers to our ordinary governors? my opinion is against that expediency; but my occupations do not permit me to undertake to vindicate all my opinions, nor have they importance enough to merit it. It cannot, however, but weaken my confidence in them, when I find them opposed to yours, there being no one who respects the latter more than, Sir, your most obedient, and most humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, December 17, 1790.

Since mine to you of August the 12th, yours of July the 3d, August the 16th, and September the 18th, have come to hand. They suffice to remove all doubts which might have been entertained as to the real intentions of the British cabinet, on the several matters confided to you. The view of government in troubling you with this business was, either to remove from between the two nations all causes of difference, by a fair and friendly adjustment, if such was the intention of the other party, or to place it beyond a doubt that such was not their intention. In result, it is clear enough that further applications would tend to delay, rather than advance our object. It is therefore the pleasure of the President, that no orders be made; and that in whatever state this letter may find the business, in that state it be left. I

have it in charge, at the same time, to assure you that your conduct in these communications with the British ministers, has met the President's entire approbation, and to convey to you his acknowledgments for your services.

As an attendance on this business must, at times, have interfered with your private pursuits, and subjected you also to additional expenses, I have the honor to enclose you a draft on our bankers in Holland, for a thousand dollars, as an indemnification for those sacrifices.

My letter of August the 12th, desired a certain other communication to be made to the same court if a war should have actually commenced. If the event has not already called for it, it is considered as inexpedient to be made at all.

You will of course have the goodness to inform us of whatever may have passed further, since the date of your last.

In conveying to you this testimony of approbation from the President of the United States, I am happy in an occasion of repeating assurances of the sentiments of perfect esteem and respect with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

TO JOSHUA JOHNSON.

PHILADELPHIA, December 17, 1790.

SIR,—Though not yet informed of the receipt of my letter, covering your commission as consul for the United States, in the port of London, yet knowing that the ship has arrived by which it went, I take for granted the letter and commission have gone safe to hand, and that you have been called into the frequent exercise of your office for the relief of our seamen, upon whom such multiplied acts of violence have been committed in England, by press-gangs, pretending to take them for British subjects, not only without evidence, but against evidence. By what means may be procured for our seamen, while in British ports, that security for their persons which the laws of hospitality require, and which the British nation will surely not refuse, remains to be settled. In the meantime, there is one of these cases, wherein so wilful and so flagrant a violation has been committed by a British officer, on the person of one of our citizens, as requires that it be laid before his government, in friendly and firm reliance of satisfaction for the injury, and of assurance for the future, that the citizens of the United States, entering the ports of Great Britain, in pursuit of a lawful commerce, shall be protected by the laws of hospitality in usage among nations.

It is represented to the President of the United States, that Hugh Purdie, a native of Williamsburg,

in Virginia, was, in the month of July last, seized in London by a party of men, calling themselves press-officers, and pretending authority from their government so to do, notwithstanding his declarations and the evidence he offered of his being a native citizen of the United States; and that he was transferred on board the Crescent, a British ship of war, commanded by a Captain Young. Passing over the intermediate violences exercised on him, because not peculiar to his case (so many other American citizens having suffered the same), I proceed to the particular one which distinguishes the present representation. Satisfactory evidence having been produced by Mr. John Brown Cutting, a citizen of the United States, to the Lords of the Admiralty, that Hugh Purdie was a native citizen of the same States, they, in their justice, issued orders to the Lord Howe, their Admiral, for his discharge. In the meantime, the Lord Howe had sailed with the fleet of which the Crescent was. But, on the 27th of August, he wrote to the board of admiralty, that he had received their orders for the discharge of Hugh Purdie, and had directed it accordingly. Notwithstanding these orders, the receipt of which at sea Captain Young acknowledges, notwithstanding Captain Young's confessed knowledge, that Hugh Purdie was a citizen of the United States, from whence it resulted that his being carried on board the Crescent and so long detained there, had been an act of wrong, which called for expiatory conduct and attentions,

rather than new injuries on his part towards the sufferer, instead of discharging him according to the orders he had received, on his arrival in port, which was on the 14th of September, he, on the 15th, confined him in irons for several hours, then had him bound and scourged in presence of the ship's crew, under a threat to the executioner that if he did not do his duty well, he should take the place of the sufferer. At length he discharged him on the 17th, without the means of subsistence for a single day. To establish these facts, I enclose you copies of papers communicated to me by Mr. Cutting, who laid the case of Purdie before the board of admiralty, and who can corroborate them by his personal evidence. He can especially verify the letter of Captain Young, were it necessary to verify a paper, the original of which is under the command of his Majesty's ministers, and this paper is so material, as to supersede of itself all other testimony, confessing the orders to discharge Purdie, that yet he had whipped him, and that it was impossible, without giving up all sense of discipline, to avoid whipping a free American citizen. We have such confidence in the justice of the British government, in their friendly regard to these States, in their respect for the honor and good understanding of the two countries, compromitted by this act of their officer, as not to doubt their due notice of *him*, indemnification to the sufferer, and a friendly assurance to these States that effectual measures shall be adopted in

future, to protect the persons of their citizens while in British ports.

By the express command of the President of the United States, you are to lay this case, and our sense of it, before his Britannic Majesty's minister for Foreign Affairs, to urge it on his particular notice by all the motives which it calls up, and to communicate to me the result.

I have the honor to be, with great esteem, your most obedient humble servant.

TO JOSHUA JOHNSON.

PHILADELPHIA, December 23, 1790.

DEAR SIR,—The vexations of our seamen and their sufferings under the press-gangs of England, have become so serious, as to oblige our government to take serious notice of it. The particular case has been selected where the insult to the United States has been the most barefaced, the most deliberately intentional, and the proof the most complete. The enclosed letter to you is on that subject, and has been written on the supposition that you would show the original to the Duke of Leeds, and give him a copy of it, but as of your own movement, and not as if officially instructed so to do. You will be pleased to follow up this matter as closely as decency will permit, pressing it in firm but respectful terms, on all occasions. We think it essential that Captain Young's case may be an example to others.

The enclosed letters are important. Be so good as to have them conveyed by the surest means possible.

I am, with great esteem, dear Sir, your most obedient, and most humble servant.

TO ALEXANDER HAMILTON.

December 29, 1790.

Thomas Jefferson presents his respectful compliments to the Secretary of the Treasury, and his condolences on the accident of the other evening, which he hopes has produced no serious loss.

He encloses to the Secretary of the Treasury a report of a committee of the National Assembly of France, on the subject of Billon, containing more particular information as to that species of coin than he had before met with. If the metal be so mixed as to make it of 1-5 of the intrinsic value of the standard silver coin of the United States, the cent of billon will be a little smaller than the present 16ths of dollars, and consequently be more convenient than a copper cent. This he submits to the better judgment of the Secretary of the Treasury, and hopes he will consider the liberty taken as an advance towards unreserved communications for reciprocal benefit.

TO MR. SHORT.

PHILADELPHIA, January 23, 1791.

SIR,—The 3d and subsequent amendments to the constitution have been agreed to by New Hampshire, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, and South Carolina. The first by New Hampshire, Rhode Island, New York, New Jersey, Maryland, North and South Carolina, and the second by only New Jersey, Delaware, Maryland, and the two Carolinas. The other States, viz. Massachusetts, Connecticut, Virginia and Georgia, have not decided on them. Vermont has acceded to the new Constitution of the United States, and is coming forward to ask admission into Congress. Kentucky has asked the same, and a bill for the purpose has passed the Senate, and is now before the Representatives, where it will meet with no difficulty. But they have only asked admission for the year 1792.

The census had made considerable progress, but will not be completed till midsummer. It is judged at present that our numbers will be between four and five millions. Virginia it is supposed will be between 7 and 800,000.

You will perceive by the papers that the object of our Indian expedition has been so imperfectly obtained, as to call for another the ensuing year. By the present conveyance you will probably receive a proclamation, locating the federal territory so as to

comprehend Georgetown. It will appear within a day or two. We must still pursue the redemption of our captives through the same channel, till some better means can be devised. The money, however, which is in Mr. Grand's hands, will be the subject of a letter to you from the Secretary of the Treasury, as soon as he can have an act of Congress authorizing the application of it to the debt of the foreign officers.

The most important matters now before Congress are propositions to establish a bank, to establish a land office and excise. The latter measure, though severely modified, is very unpopular in the middle and southern States.

Fenno's and Davies' papers will accompany this. These contain all the laws of the last session, and therefore it is thought better to defer sending them to you in a body, till a third edition appears, which is proposed to be printed, as this will be more conveniently conveyed as well as handled.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL MASON.

PHILADELPHIA, February 4, 1791.

DEAR SIR,—I am to make you my acknowledgments for your favor of January 10th, and the information from France which it contained. It confirmed what I had heard more loosely before, and accounts still more recent are to the same effect. I

look with great anxiety for the firm establishment of the new government in France, being perfectly convinced that if it takes place there, it will spread sooner or later all over Europe. On the contrary, a check there would retard the revival of liberty in other countries. I consider the establishment and success of their government as necessary to stay up our own, and to prevent it from falling back to that kind of a half-way house, the English constitution. It cannot be denied that we have among us a sect who believe that to contain whatever is perfect in human institutions; that the members of this sect have, many of them, names and offices which stand high in the estimation of our countrymen. I still rely that the great mass of our community is untainted with these heresies, as is its head. On this I build my hope that we have not labored in vain, and that our experiment will still prove that men can be governed by reason. You have excited my curiosity in saying "there is a particular circumstance, little attended to, which is continually sapping the republicanism of the United States." What is it? What is said in our country of the fiscal arrangements now going on? I really fear their effect when I consider the present temper of the southern States. Whether these measures be right or wrong abstractedly, more attention should be paid to the general opinion. However, all will pass—the excise will pass—the bank will pass. The only corrective of what is corrupt in our present form of government will be the

augmentation of the numbers in the lower House, so as to get a more agricultural representation, which may put that interest above that of the stock-jobbers.

I had no occasion to sound Mr. Madison on your fears expressed in your letter. I knew before, as possessing his sentiments fully on that subject, that his value for you was undiminished. I have always heard him say that though you and he appeared to differ in your systems, yet you were in truth nearer together than most persons who were classed under the same appellation. You may quiet yourself in the assurance of possessing his complete esteem. I have been endeavoring to obtain some little distinction for our useful customers, the French. But there is a particular interest opposed to it, which I fear will prove too strong. We shall soon see. I will send you a copy of a report I have given in, as soon as it is printed. I know there is one part of it contrary to your sentiments; yet I am not sure you will not become sensible that a change should be slowly preparing. Certainly, whenever I pass your road, I shall do myself the pleasure of turning into it. Our last year's experiment, however, is much in favor of that by Newgate.

I am, with great respect and esteem, dear Sir, your friend and servant.

TO CHARLES HELLSTEDT, SWEDISH CONSUL.

PHILADELPHIA, February 14, 1791.

SIR,—I now return you the papers you were pleased to put into my hands, when you expressed to me your dissatisfaction that our court of admiralty had taken cognizance of a complaint of some Swedish sailors against their captain for cruelty. If there was error in this proceeding, the law allows an appeal from that to the Supreme Court; but the appeal must be made in the forms of the law, which have nothing difficult in them. You were certainly free to conduct the appeal yourself, without employing an advocate, but then you must do it in the usual form. Courts of justice, all over the world, are held by the laws to proceed according to certain forms, which the good of the suitors themselves requires they should not be permitted to depart from.

I have further to observe to you, Sir, that this question lies altogether with the courts of justice; that the Constitution of the United States having divided the powers of government into three branches, legislative, executive, and judiciary, and deposited each with a separate body of magistracy, forbidding either to interfere in the department of the other, the executive are not at liberty to intermeddle in the present question. It must be ultimately decided by the Supreme Court. If you think proper to carry it into that, you may be secure of the strictest justice from them. Partialities they are not at liberty to

show. But, for whatever may come before the executive, relative to your nation, I can assure you of every favor which may depend on their dispositions to cultivate harmony and a good understanding with it.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO MR. HAZARD.

PHILADELPHIA, February 18, 1791.

SIR,—I return you the two volumes of records, with thanks for the opportunity of looking into them. They are curious monuments of the infancy of our country. I learn with great satisfaction that you are about committing to the press the valuable historical and State papers you have been so long collecting. Time and accident are committing daily havoc on the originals deposited in our public offices. The late war has done the work of centuries in this business. The last cannot be recovered, but let us save what remains; not by vaults and locks which fence them from the public eye and use in consigning them to the waste of time, but by such a multiplication of copies, as shall place them beyond the reach of accident. This being the tendency of your undertaking, be assured there is no one who wishes it more success than, Sir, your most obedient, and most humble servant.

TO ———.[1]

PHILADELPHIA, February 19, 1791.

DEAR SIR,—I feel both the wish and the duty to communicate, in compliance with your request, whatever, within my knowledge, might render justice to the memory of our great countryman, Dr. Franklin, in which Philosophy has to deplore one of its principal luminaries extinguished. But my opportunities of knowing the interesting facts of his life, have not been equal to my desire of making them known. I could indeed relate a number of those bon mots, with which he used to charm every society, as having heard many of them. But these are not your object. Particulars of greater dignity happened not to occur during his stay of nine months, after my arrival in France.

A little before that, Argand had invented his celebrated lamp, in which the flame is spread into a hollow cylinder, and thus brought into contact with the air within as well as without. Doctor Franklin had been on the point of the same discovery. The idea had occurred to him; but he had tried a bull-rush as a wick, which did not succeed. His occupations did not permit him to repeat and extend his trials to the introduction of a larger column of air than could pass through the stem of a bull-rush.

The animal magnetism too of the maniac Mesmer, had just received its death wound from his hand in

[1] Address illegible.

conjunction with his brethren of the learned committee appointed to unveil that compound of fraud and folly. But after this, nothing very interesting was before the public, either in philosophy or politics, during his stay; and he was principally occupied in winding up his affairs there.

I can only therefore testify in general, that there appeared to me more respect and veneration attached to the character of Doctor Franklin in France, than to that of any other person in the same country, foreign or native. I had opportunities of knowing particularly how far these sentiments were felt by the foreign ambassadors and ministers at the court of Versailles. The fable of his capture by the Algerines, propagated by the English newspapers, excited no uneasiness; as it was seen at once to be a dish cooked up to the palate of their readers. But nothing could exceed the anxiety of his diplomatic brethren, on a subsequent report of his death, which, though premature, bore some marks of authenticity.

I found the ministers of France equally impressed with the talents and integrity of Dr. Franklin. The Count de Vergennes particularly gave me repeated and unequivocal demonstrations of his entire confidence in him.

When he left Passy, it seemed as if the village had lost its patriarch. On taking leave of the court, which he did by letter, the King ordered him to be handsomely complimented, and furnished him with

a litter and mules of his own, the only kind of conveyance the state of his health could bear.

No greater proof of his estimation in France can be given than the late letters of condolence on his death, from the National Assembly of that country, and the community of Paris, to the President of the United States and to Congress, and their public mourning on that event. It is, I believe, the first instance of that homage having been paid by a public body of one nation to a private citizen of another.

His death was an affliction which was to happen to us at some time or other. We have reason to be thankful he was so long spared; that the most useful life should be the longest also; that it was protracted so far beyond the ordinary span allotted to man, as to avail us of his wisdom in the establishment of our own freedom, and to bless him with a view of its dawn in the east, where they seemed, till now, to have learned everything, but how to be free.

The succession to Dr. Franklin, at the court of France, was an excellent school of humility. On being presented to any one as the minister of America, the commonplace question used in such cases was "*c'est vous, Monsieur, qui remplace le Docteur Franklin?*" "it is you, Sir, who replace Doctor Franklin?" I generally answered, "no one can replace him, Sir: I am only his successor."

These small offerings to the memory of our great and dear friend, whom time will be making greater while it is spunging us from its records, must be

accepted by you, Sir, in that spirit of love and veneration for him, in which they are made; and not according to their insignificance in the eyes of a world, who did not want this mite to fill up the measure of his worth.

I pray you to accept, in addition, assurances of the sincere esteem and respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO HIS EXCELLENCY GOVERNOR HANCOCK.

PHILADELPHIA, February 20, 1791.

SIR,—With many thanks for the papers and information you were pleased to have procured for me on the important subject of the fisheries, I do myself the honor of now enclosing you a copy of my report to the House of Representatives. From the disposition I see prevailing in the principal mass of the Southern members to take measures which may secure to us the principal markets for the produce of the fisheries, and for rescuing our carrying trade from a nation not disposed to make just returns for it, I am in hopes something effectual will be done this session, if these principles are solidly supported by the members from your part of the Union, of which I trust there is no cause to doubt. Should nothing be done, I cannot say what consequences will follow, nor calculate their extent. May I take the liberty of presenting through you, Sir, another

copy of the report to the committee who were pleased to lend their assistance in the collection of materials; to show them that I have not failed to present their testimony in that view which might tend to procure a proper interference in this interesting branch of business.

I have the honor to be, with sentiments of the most perfect respect and attachment, your Excellency's most obedient, and most humble servant.

TO MONSIEUR DE PINTO.

PHILADELPHIA, February 21, 1791.

SIR,—I have duly received the letter of November the 30th, which your Excellency did me the honor to write, informing me that her most faithful Majesty had appointed Mr. Freire her minister resident with us, and stating the difficulty of meeting us in the exchange of a chargé des affaires, the grade proposed on our part. It is foreseen, that a departure from our system in this instance, will materially affect our arrangements with other nations; but the President of the United States has resolved to give her Majesty this proof of his desire to concur in whatever may best tend to promote that harmony and perfect friendship so interesting to both countries. He has, therefore, appointed Colonel Humphreys to be minister resident for the United States, at the court of her Majesty. This gentleman has long been of the President's own family, and enjoys his particu-

lar confidence. I make no doubt he will so conduct himself as to give perfect satisfaction to her Majesty and yourself, and I therefore recommend him to your friendly attention and respect. Mr. Freire will have every title to the same from us, and will assuredly receive it. It is always with pleasure, that I repeat the homage of those sentiments of respect and esteem with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO PHILIP FRENEAU.

PHILADELPHIA, February 28, 1791.

SIR,—The clerkship for foreign languages in my office is vacant. The salary, indeed, is very low, being but two hundred and fifty dollars a year; but also, it gives so little to do, as not to interfere with any other calling the person may choose, which would not absent him from the seat of government. I was told a few days ago, that it might perhaps be convenient to you to accept it. If so, it is at your service. It requires no other qualification than a moderate knowledge of the French. Should anything better turn up within my department that might suit you, I should be very happy to be able to bestow it so well. Should you conclude to accept the present, you may consider it as engaged to you, only be so good as to drop me a line informing me of your resolution. I am, with great esteem, Sir, your very humble servant.

TO THE COUNT DE MOUSTIER.

PHILADELPHIA, March 2, 1791.

SIR,—I have received your favor of November 6th, wherein you inform me that the King has thought proper, by a new mission to the court of Berlin, to put an end to your functions as his minister plenipotentiary with the United States. The President, in a letter to the King, has expressed his sense of your merit, and his entire approbation of your conduct while here, and has charged me to convey to yourself the same sentiments on his part.

Had you returned to your station with us, you would have received new and continued marks of the esteem inspired by the general worth of your character, as well by the particular dispositions you manifested towards this country.

Amidst the regrets excited by so early a loss of you, it will be a consolation, if your new situation shall contribute to advance your own happiness.

As a testimony of these sentiments, we ask your acceptance of a medal and chain of gold, with which Mr. Short is instructed to present you on the part of the United States.

To this general tribute, permit me to add my own, with sincere wishes for your constant happiness, and assurances of the respect and esteem with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO HARRY INNES.

PHILADELPHIA, March 7, 1791.

DEAR SIR,—Your favor of July 8, came to my hands November 30. The infrequency of conveyances, is an apology for this late answer. I receive with pleasure this recognition and renewal of your former acquaintance, and shall be happy to continue it by an exchange of epistolary communications. Yours to me will be always welcome. Your first gives me information in the line of Natural History, and the second (not yet received) promises political news. The first is my passion, the last my duty, and therefore both desirable. I believe entirely with you, that the remains of fortifications found in the Western country, have been the works of the natives. Nothing I have ever yet heard of, proved the existence of a nation here who knew the use of iron. I have never heard even of *burnt* bricks, though they might be made without iron. The statue you have been so kind as to send me, and for which I beg you to accept my thanks, would, because of the hardness of the stone, be a better proof of the use of iron, than I ever yet saw; but as it is a solitary fact, and possible to have been made with implements of stone, and great patience, for which the Indians are remarkable, I consider it to have been so made. It is certainly the best piece of workmanship I ever saw from their hands. If the artist did not intend it, he has very happily hit on the repre-

sentation of a woman in the first moments of parturition.

Mr. Brown, the bearer of this, will give you the Congressional news, some good, some so so, like everything else in this world. Our endeavors the last year to punish your enemies have had an unfortunate issue. The federal council has yet to learn by experience, which experience has long ago taught us in Virginia, that rank and file fighting will not do against Indians. I hope this year's experiment will be made in a more auspicious form. Will it not be possible for you to bring General Clark forward? I know the greatness of his mind, and am the more mortified at the cause which obscures it. Had not this unhappily taken place, there was nothing he might not have hoped: could it be surmounted, his lost ground might yet be recovered. No man alive rated him higher than I did, and would again, were he to become again what I knew him. We are made to hope he is engaged in writing the account of his expeditions north of Ohio. They will be valuable morsels of history, and will justify to the world those who have told them how great he was.

Mr. Brown will tell you also that we are not inattentive to the interests of your navigation. Nothing short of actual rupture is omitted. What its effect will be, we cannot yet foretell; but we should not stop even here, were a favorable conjuncture to arise. The move we have now made must bring the matter to issue. I can assure you of the most deter-

mined zeal of our chief magistrate in this business, and I trust mine will not be doubted so far as it can be of any avail. The nail will be driven as far as it will go peaceably, and farther the moment that circumstances become favorable. I am, with great esteem, dear Sir, your friend and servant.

TO THE PRESIDENT OF THE NATIONAL ASSEMBLY OF FRANCE.

PHILADELPHIA, March 8, 1791.

SIR,—I have it in charge from the President of the United States of America, to communicate to the National Assembly of France, the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free representatives of a great nation, in their decree of the 11th of June, 1790.

That the loss of such a citizen should be lamented by us, among whom he lived, whom he so long and eminently served, and who feel their country advanced and honored by his birth, life and labors, was to be expected. But it remained for the National Assembly of France, to set the first example of the representative of one nation, doing homage, by a public act, to the private citizen of another, and by withdrawing arbitrary lines of separation, to reduce into our fraternity the good and the great, wherever they have lived or died.

That these separations may disappear between us

in all times and circumstances, and that the union of sentiment which mingles our sorrows on this occasion, may continue long to cement the friendship and the interests of our two nations, is our constant prayer. With no one is it more sincere than with him, who, in being charged with the honor of conveying a public sentiment, is permitted that of expressing the homage of profound respect and veneration with which he is, Sir, your most obedient, and most humble servant.

TO GOVERNOR QUESADA.

PHILADELPHIA, March 10, 1791.

SIR,—We have received with great satisfaction, notification of the orders of his Catholic Majesty, not to permit that persons, held in slavery within the United States, introduce themselves as free persons into the Province of Florida. The known justice of his Majesty and his Government, was a certain dependence to us, that such would be his will. The assurances your Excellency has been pleased to give us of your friendly dispositions, leave us no doubt you will have faithfully executed a regulation so essential to harmony and good neighborhood. As a consequence of the same principles of justice and friendship, we trust that your Excellency will permit, and aid the recovery of persons of the same description, who have heretofore taken refuge within your Government. The bearer hereof is authorized to

wait on your Excellency to confer on this subject, and to concur in such arrangements as you shall approve for the recovery of such fugitives.

I beg you to be assured that no occasion shall be neglected of proving our dispositions to reciprocate these principles of justice and friendship, with the subjects of his Catholic Majesty, and that you will be pleased to accept the homage of those sentiments of respect and esteem, with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO ALEXANDER HAMILTON, SECRETARY OF THE TREASURY.

PHILADELPHIA, March 12, 1791.

DEAR SIR,—The President has thought proper to appoint Colonel David Humphreys, minister resident for the United States, at the court of Lisbon, with a salary of four thousand five hundred dollars a year, and an outfit equal to a year's salary. Besides this, by a standing regulation, he will be allowed his disbursements for gazettes transmitted here, translating and printing paper, where that shall be necessary, postage, couriers, and necessary aids to *poor* American sailors. An opportunity occurring, by a vessel sailing for Lisbon within a few days, to send him his commission, I shall be obliged to you to enable me to convey to him at the same time the means of receiving his outfit in the first instance, and his salary and disbursements above described, in quarterly payments afterwards.

An act of Congress having authorized the President to take measures for procuring a recognition of our treaty from the new Emperor of Morocco, arrangements for that purpose have been decided. The act allows twenty thousand dollars for this object, but not more than thirteen thousand dollars will be called for in the first instance, if at all, and these, or the means of drawing for them, not till six weeks hence. I thought it proper, however, to apprise you of the call at the earliest day possible, and while the President is here, and to ask your attention to it. I have the honor to be, with sentiments of the most perfect respect and esteem, dear Sir, your most obedient, and most humble servant.

TO MAJOR L'ENFANT.

March —, 1791.

SIR,—You are desired to proceed to Georgetown, where you will find Mr. Ellicot employed in making a survey and map of the federal territory. The special object of asking your aid is to have drawings of the particular grounds most likely to be approved for the site of the federal town and buildings. You will therefore be pleased to begin on the eastern branch, and proceed from thence upwards, laying down the hills, valleys, morasses, and waters between that, the Potomac, the Tyber, and the road leading from Georgetown to the eastern branch, and connecting the whole with certain fixed points of the map

Mr. Ellicot is preparing. Some idea of the height of the hills above the base on which they stand, would be desirable. For necessary assistance and expenses, be pleased to apply to the Mayor of Georgetown, who is written to on this subject. I will beg the favor of you to mark to me your progress about twice a week, by letter, say every Wednesday and Saturday evening, that I may be able in proper time to draw your attention to some other objects, which I have not at this moment sufficient information to define. I am, with great esteem, Sir, your most obedient humble servant.

TO WILLIAM CARMICHAEL.

PHILADELPHIA, March 12, 1791.

SIR,—I enclose you a statement of the case of Joseph St. Marie, a citizen of the United States of America, whose clerk, Mr. Swimmer, was, in the latter part of the year 1787, seized on the eastern side of the Mississippi, in latitude 34° 40′, together with his goods, of the value of nineteen hundred and eighty dollars, by a party of Spanish soldiers. They justified themselves under the order of a Mr. Valliere, their officer, who avowed authority from the Governor of New Orleans, requiring him to seize and confiscate all property *found on either side of the Mississippi below the mouth of the Ohio.* The matter being then carried by St. Marie before the Governor of New Orleans, instead of correcting the injury, he avowed

the act and its principle, and pretended orders from his court for this and more. We have so much confidence, however, in the moderation and friendship of the court of Madrid, that we are more ready to ascribe this outrage to officers acting at a distance, than to orders from a just sovereign. We have hitherto considered the delivery of the post of the Natchez, on the part of Spain, as only awaiting the result of those arrangements which have been under amicable discussion between us; but the remaining in possession of a post which is so near our limit of thirty-one degrees, as to admit some color of doubt whether it be on our side or theirs, is one thing; while it is a very different one, to launch two hundred and fifty miles further, and seize the persons and property of our citizens; and that too, in the very moment that a friendly accommodation of all differences, is under discussion. Our respect for their candor and good faith does not permit us to doubt, that proper notice will be taken of the presumption of their officer, who has thus put to hazard the peace of both nations, and we particularly expect that indemnification will be made to the individual injured. On this you are desired to insist in the most friendly terms, but with that earnestness and perseverance which the complexion of this wrong requires. The papers enclosed will explain the reasons of the delay which has intervened. It is but lately they have been put into the hands of our government.

We cannot omit this occasion of urging on the court of Madrid, the necessity of hastening a final acknowledgment of our right to navigate the Mississippi; a right which has been long suspended in exercise, with extreme inconvenience on our part, merely with a desire of reconciling Spain to what it is impossible for us to relinquish. An accident at this day, like that now complained of, would put further parley beyond our power; yet to such accidents we are every day exposed by the irregularities of their officers, and the impatience of our citizens. Should any spark kindle these dispositions of our borderers into a flame, we are involved beyond recall by the eternal principles of justice to our citizens, which we will never abandon. In such an event, Spain cannot possibly gain, and what may she not lose?

The boldness of this act of the Governor of New Orleans, and of his avowal of it, renders it essential to us to understand the court of Spain on this subject. You will, therefore, avail yourself of the earliest occasion of obtaining their sentiments, and of communicating them to us.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, March 12, 1791.

DEAR SIR,—The enclosed papers will explain to you a case which imminently endangers the peace of

the United States with Spain. It is not, indeed, of recent date, but it has been recently laid before government, and is of so bold a feature as to render dangerous to our rights a further acquiescence in their suspension. The middle ground held by France between us and Spain, both in friendship and interest, requires that we should communicate with her with the fullest confidence on this occasion. I therefore enclose you a copy of my letter to Mr. Carmichael, and of the papers it refers to, to be communicated to Monsieur de Montmorin, whose efficacious interference with the court of Madrid you are desired to ask. We rely with great confidence on his friendship, justice and influence.

A cession of the navigation of the Mississippi, with such privileges as to make it useful, and free from future chicane, can be no longer dispensed with on our part; and perhaps while I am writing, something may have already happened to cut off this appeal to friendly accommodation. To what consequences such an event would lead, cannot be calculated. To such, very possibly, as we should lament, without being able to control. Your earnestness with Monsieur de Montmorin, and with the court of Spain, cannot be more pressing than the present situation and temper of this country requires. The case of St. Marie happens to be the incident presenting itself in the moment, when the general question must otherwise have been brought forward. We rely, on this occasion, on the good offices of the

Marquis de La Fayette, whom you are desired to interest in it.

I am, with sincere and great esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL INNES.

PHILADELPHIA, March 13, 1791.

DEAR SIR,— * * * * * * What is said with you of the most prominent proceedings of the last Congress? The disapprobation of the assumption with you leads us naturally to attend to your reception of laws for carrying it into effect, which have been thought to present themselves in an unfavorable view. What will be thought of measures taken to force Great Britain by a navigation act, to come forward in fair treaty, and let us substantially into her islands, as a price for the advantages of navigation and commerce which she now derives from us? This is interesting to our agriculture, provided the means adopted be sufficiently gradual. I wish you would come forward to the federal legislature and give your assistance on a larger scale than that on which you are acting at present. I am satisfied you could render essential service; and I have such confidence in the purity of your republicanism, that I know your efforts would go in a right direction. Zeal and talents added to the republican scale will do no harm in Congress. It is fortunate that our first executive

magistrate is purely and zealously republican. We cannot expect all his successors to be so, and therefore should avail ourselves the present day to establish principles and examples which may fence us against future heresies preached now, to be practised hereafter. I repeat my wish that I could see you come into the federal councils; no man living joining more confidence in your principles and talents to higher personal esteem than, dear Sir, your most obedient humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, March 15, 1791.

DEAR SIR,—In mine of January the 23d, I acknowledged the receipt of your letters from No. 29 to 48 inclusive, except 31, 44, 45, 46. Since that I have received Nos. 45 and 50; the former in three months and seven days, the latter in two months and seventeen days, by the English packet, which had an uncommonly long passage. Nos. 31, 44, 46, 47, 48, 49, are still missing. They have probably come through merchant vessels and merchants, who will let them lie on their counters two or three months before they will forward them. I wrote you on the 8th and 12th instant, by a private hand, on particular subjects. I am not certain whether this will be in time to go by the same conveyance. In yours of December 23d, you suppose we receive regularly the journals of the National Assembly from your secre-

tary at Paris, but we have never received anything from him. Nothing has been addressed to him, his name being unknown to us.

It gives great satisfaction that the *Arret du Conseil* of December, 1787, stands a chance of being saved. It is, in truth, the sheet-anchor of our connection with France, which will be much loosened when that is lost. This *Arret* saved, a free importation of salted meats into France, and of provisions of all kinds into her colonies, will bind our interests to that country more than to all the world besides. It has been proposed in Congress to pass a navigation act, which will deeply strike at that of Great Britain. I send you a copy of it. It is probable the same proposition will be made at the next Congress, as a first step, and for one more extensive at a later period. It is thought the first will be carried; the latter will be more doubtful. Would it not be worth while to have the bill now enclosed, translated, printed and circulated among the members of the National Assembly? If you think so, have it done at the public expense, with any little comment you may think necessary, concealing the quarter from whence it is distributed; or take any other method you think better, to see whether that Assembly will not pass a similar act. I shall send copies of it to Mr. Carmichael, at Madrid, and to Colonel Humphreys, appointed resident at Lisbon, with a desire for them to suggest similar acts there. The measure is just, perfectly innocent as to all other nations, and will effectually defeat the navi-

gation act of Great Britain, and reduce her power on the ocean within safer limits.

The time of the late Congress having expired on the 3d instant, they then separated of necessity. Much important matter was necessarily laid over; this navigation act among others. The land law was put off, and nothing farther done with the mint than to direct workmen to be engaged. The new Congress will meet on the 4th Monday in October. Their laws shall be sent you by the first opportunity after they shall be printed. You will receive herewith those of their second session. We know that Massachusetts has agreed to the amendments to the Constitution, except (as is said) the first, second, and twelfth articles. The others, therefore, are now in force. The articles excepted will depend on the other legislatures. The late expedition against the northern Indians having been ineffectual, more serious operations against them will be undertaken as soon as the season admits. The President is just now setting out on a tour to the southern States, from whence he will not return till June. The British packet being the quickest mode of conveyance, I shall avail myself of that, as well as of the French packet, to write to you. Are the letters which now pass through the French post offices opened, as they were under the former government? This is important for me to know.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. I omitted to draw your attention to an additional duty of one cent per gallon on rum, by name. This was intended as some discrimination between England and France. It would have been higher, but for the fear of affecting the revenues in a contrary direction.

TO WILLIAM SHORT.

PHILADELPHIA, March 19, 1791.

DEAR SIR,—Your letter of November the 6th, No. 46, by Mr. Osmont, came to hand yesterday, and I have just time, before the departure of Mr. Terrasson, the bearer of my letter of the 15th instant, and despatches accompanying it, to acknowledge the receipt, and inform you that it has been laid before the President. On consideration of the circumstances stated in the second page of your letter, he is of opinion, that it is expedient to press at this moment a settlement of our difference with Spain. You are therefore desired, instead of confining your application for the interference of the court of France, to the simple case of St. Marie, mentioned in my letter of the 12th, to ask it on the broad bottom of general necessity, that our right of navigating the Mississippi be at length ceded by the court of Madrid, and be ceded in such form, as to render the exercise of it efficacious and free from chicane. This cannot be without an entrepôt in some convenient port of the river, where the river and sea craft may

meet and exchange loads, without any control from the laws of the Spanish government. This subject was so fully developed to you in my letter of August the 10th, 1790, that I shall at present only refer to that. We wish you to communicate this matter fully to the Marquis de La Fayette, to ask his influence and assistance, assuring him that a settlement of this matter is become indispensable to us; any further delay exposing our peace, both at home and abroad, to accidents, the result of which are incalculable, and must no longer be hazarded. His friendly interposition on this occasion, as well as that of his nation, will be most sensibly felt by us. To his discretion, therefore, and yours, we confide this matter, trusting that you will so conduct it as to obtain our right in an efficacious form, and at the same time to preserve to us the friendship of France and Spain, the latter of which we value much, and the former infinitely.

Mr. Carmichael is instructed to press this matter at Madrid; yet if the Marquis and yourself think it could be better effected at Paris, with the Count de Nunnez, it is left to you to endeavor to try it there. Indeed, we believe it would be more likely to be settled there, than at Madrid or here. Observe always, that to accept the navigation of the river without an entrepôt would be perfectly useless, and that an entrepôt, if trammelled, would be a certain instrument for bringing on war instead of preventing it.

I am, with great esteem, dear Sir, your most obedient humble servant.

TO DR. WISTAR.

PHILADELPHIA, March 20, 1791.

SIR,—I am thankful for the trouble which yourself and Dr. Hutchinson have taken, and are still willing to take, on the subject of Mr. Isaacs' discovery. However his method may turn out, this advantage will certainly result from it, that having drawn the public attention to the subject, it may be made the occasion of disseminating among the masters of vessels a knowledge of the fact, that fresh water may be obtained from salt water by a common distillation, and in abundance. Though Lind's, Irvine's, and McQueer's experiments should suffice to satisfy them of this, yet it may fix their faith more firmly, if we can say to them that we have tried these experiments ourselves, and can vouch for their effect. If Mr. Isaacs can increase that effect, so much the better; it will be a new flower in the American wreath. He is poor, and complains that his delay here is very distressing to him. Therefore, I propose to-morrow for the experiment, and will ask the favor of you to fix any hour that may best suit the convenience of Dr. Hutchinson and yourself, from five in the morning to twelve at night, all being equal to me. Only be good as to notify it in time for me to give notice to Mr. Isaacs. Will it not save time, if the great still can be set a-going at the same time with the small ones? He protests against any unfavorable conclusions from a small experiment, because never

having tried his method in a small way, he does not know how to proportion his mixture. I am, with great esteem, Sir, your most obedient humble servant.

TO HIS EXCELLENCY GOVERNOR MARTIN.

PHILADELPHIA, March 26, 1791.

SIR,—Having in charge to lay before Congress a general statement of all the lands subject to their disposal, it becomes necessary for me, so far as respects the proceedings of North Carolina, to draw on a map the line which forms the Eastern boundary of the cession of that State to Congress, and then to specify all the private claims within the cession, which form exceptions to their general right of granting the ceded territory. Three classes of these exceptions have been stated to me. First, the returns from Armstrong's office. Second, the claims of the officers of the North Carolina line of the lands reserved for them on the Cumberland. Third, a grant of twenty-five thousand acres to General Greene. I find myself under the necessity of troubling your Excellency to enable me to lay down with precision this dividing line, and then a precise specification and location of the three classes of exceptions before mentioned, and also, any other exceptions which you may know of. Besides that these things can be known only from your offices, I am induced to ask you to take the trouble from an assur-

ance that you will be glad to assist in furnishing any information which may prevent the citizens of your State from being involved in litigations by a sale to others of lands to which they may have a just claim, and which would not be so sold, if their claims could be previously known. As I propose to set about this statement immediately, I shall consider it as a great personal obligation, if the measures which your Excellency may be pleased to take for my assistance, can be immediately executed, and the result communicated to me. I have the honor to be, with great esteem and respect, your Excellency's most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, March 27, 1791.

SIR,—I have been again to see Mr. Barclay on the subject of his mission, and to hasten him. I communicated to him the draught of his instructions, and he made an observation which may render a small change expedient. You know it has been concluded that he should go without any defined character, in order to save expense. He observed that if his character was undefined they would consider him as an ambassador, and expect proportional liberalities, and he thought it best to fix his character to that of consul, which was the lowest that could be employed. Thinking that there is weight in his opinion, I have the honor to enclose you a blank

commission for him as consul, and another letter to the Emperor, no otherwise different from that you signed, but as having a clause of credence in it. If you approve of this change, you will be so good as to sign these papers and return them; otherwise, the letter before signed will still suffice.

I enclose you a Massachusetts paper, whereby you will see that some acts of force have taken place on our eastern boundary. Probably that State will send us authentic information of them. The want of an accurate map of the Bay of Passamaquoddy renders it difficult to form a satisfactory opinion on the point in contest. I write to-day to Rufus Putnam to send me his survey referred to in his letters. There is a report that some acts of force have taken place on the northern boundary of New York, and are now under the consideration of the government of that State. The impossibility of bringing the court of London to an adjustment of any difference whatever, renders our situation perplexing. Should any applications from the States or their citizens be so urgent as to require something to be said before your return, my opinion would be that they should be desired to make no new settlements on our part, nor suffer any to be made on the part of the British, within the disputed territory; and if any attempt should be made to remove them from the settlements already made, that they are to repel force by force, and ask aid of the neighboring militia to do this and no more. I see no other safe way of forcing the

British government to come forward themselves and demand an amicable settlement. If this idea meets your approbation, it may prevent a misconstruction by the British, of what may happen, should I have this idea suggested in a proper manner to Colonel Beckwith.

The experiments which have been tried of distilling sea-water with Isaacs' mixture, and also without it, have been rather in favor of the distillation without any mixture.

A bill was yesterday ordered to be brought into the House of Representatives here, for granting a sum of money for building a Federal Hall, house for the President, etc.

You knew of Mr. R. Morris' purchase of Gorham and Phelps of 1,300,000 acres of land of the State of Massachusetts, at 5*d.* an acre. It is said that he has sold 1,200,000 acres of these in Europe, through the agency of V. Franklin, who it seems went on this business conjointly with that of printing his grandfather's works. Mr. Morris, under the name of Ogden, and perhaps in partnership with him, has bought the residue of the lands held in the same country by Massachusetts, for £100,000. The Indian title of the former purchase has been extinguished by Gorham, but that of the latter is not. Perhaps it cannot be. In that case a similarity of interest will produce an alliance with the Yazoo companies. Perhaps a sale may be made in Europe to purchasers ignorant of the Indian right.

I shall be happy to hear that no accident has happened to you in the bad roads you have passed, and that you are better prepared for those to come by lowering the hang of your carriage, and exchanging the coachman for two postilions, circumstances which I confess to you appeared to me essential for your safety, for which no one on earth more sincerely prays, both from public and private regard, than he who has the honor to be, with sentiments of the most profound respect, Sir, your most obedient, and most humble servant.

TO MR. LEWIS.

PHILADELPHIA, March 31, 1791.

The recess of Congress permits me now to resume the subject of my letter of August 12th, and to acknowledge the receipt of your favors of September 14th, November 25th, and January 1st. With respect to British debts and property it was thought possible then that they might come forward and discuss the interests and questions existing between the two nations, and as we know they would assail us on the subject of the treaty, without our previously knowing the particular State or States whose proceedings they would make the ground of complaint, we wished to be in a state of preparation on every point. I am therefore to thank you particularly for having furnished us the justifications of this Commonwealth in your letter of January 1st. With

respect to the more general object of my letter, that of making a very complete collection of all the laws in force, or which were ever in force in the several States, we are now as to this State possessed of those from 1776 to 1790. I must still avail myself of your kind undertaking in your letters of September 14th and November 25th, to continue your attention to this acquisition till we can have the whole. Indeed, if you would order any bookseller to procure them according to such list as you should give him, it might greatly lessen your trouble, and he could deliver them himself at my office and receive there his pay. Whenever you shall be so good as to notify me of the cost of those already furnished, it shall be immediately reimbursed. I am sure you are sensible of the necessity of possessing at the seat of the General Government, a complete collection of all the laws of all the States, and hope you will perceive there were no persons so likely to make the collection judiciously as the Attorneys for the Districts, which must be the apology for the trouble which has been given you on this subject by him who has the honor to be, with great esteem and respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 2, 1791.

I had the honor of addressing you on the 27th ult., since which letters are received of January 24th,

from Mr. Carmichael, and of January 3d and 15th, Madrid, and February 6th, and 12th, Lisbon, from Colonel Humphreys. As these are interesting, and may tend to settle suspense of mind to a certain degree, I shall trouble you with quotations from some parts and the substance of others.

Colonel H. says, "I learn from other good authority, as well as from Mr. Carmichael, that all the representations of Gardoqui (when minister in America), tended to excite a belief that the most respectable and influential people throughout the United States did not wish to have the navigation of the Mississippi opened for years to come, from an apprehension such an event would weaken the government, and impoverish the Atlantic States by emigrations. It was even pretended that none but a handful of settlers on the Western waters, and a few inhabitants of the Southern States would acquiesce in the measure." This is the state of mind to which they have reverted since the crisis with England is passed, for during that, the Count de Florida Blanca threw out general assertions that we should have no reason to complain of their conduct with respect to the Mississippi, which gave rise to the report its navigation was opened. The following passages will be astonishing to you who recollect that there was not a syllable in your letters to Mr. G. M., which looked in the most distant manner to Spain. Mr. Carmichael says, "something, however, might have been done in a moment of projects and apprehension, had not a

certain negotiation carried on, on our part, at London, transpired, and which I think was known here rather from British policy, than from the vigilance of the Marquis del Campo. Entirely unacquainted with this manœuvre, although in correspondence with the person employed, I was suspected to be in the secret. This suspicion banished confidence, which returns by slow degrees. This circumstance induced me to drop entirely my correspondence with G. M. To continue it would have done harm, and certainly could do no good. I have seen extracts of the President's letter communicated to the Duke of Leeds, perhaps mutilated or forged to serve here the views of the British cabinet. I do not yet despair of obtaining copies of those letters through the same channel that I procured the first account of the demands of G. B. and the signature of the late convention." Colonel Humphreys says, "the minister had intimations from del Campo of the conferences between Mr. Morris and the Duke of Leeds, which occasioned him to say with warmth to Mr. Carmichael, 'now is your time to make a treaty with England.' Fitzherbert availed himself of these conferences to create apprehensions that the Americans would aid his nation in case of war." Your genuine letter could have made no impression. The British court then must have forged one, to suit their purpose, and I think it will not be amiss to send a genuine copy to Carmichael, to place our faith on its just ground. The principal hope of doing anything

now, is founded either on an expected removal of the Count de F. B. from the ministry, in which case persons will be employed who are more friendly to America, or to the bursting out of that fire which both gentlemen think but superficially covered. Mr. Carmichael justifies himself by the interception of his letters. He has shown the originals to Colonel H. He concludes his present letter with these words, "relying on the good opinion of me, that you have been pleased to express on many occasions, I entreat you to engage the President to permit me to return to my native country." Colonel Humphreys, on the subjects of his justification and return says, (after speaking of the persons likely to come into power,) "Mr. Carmichael being on terms of intimacy with the characters here, is certainly capable of effecting more at this court than any other American. He is heartily desirous of accomplishing the object in view at all events, and fully determined to return to America in twelve or eighteen months at farthest. He has expressed that intention repeatedly. To be invested with full powers, perhaps he would be able to do something before his departure from the continent." In his letter of January 15th, he says, "Mr. Carmichael's ideas are just: his exertions will be powerful and unremitting to obtain the accomplishment of our desires before his departure from this country. The task will now be difficult if not impracticable." In that of February 6th, he says, "Mr. Carmichael is much mortified that so many of

his despatches have miscarried. By the original documents, which I have seen in his hands, I am convinced he has been extremely assiduous and successful in procuring early and authentic intelligence. It is difficult for a person at a distance to form an adequate judgment of the embarrassments to which a public man, situated as he was, is subjected, in making written communications, from such an inland place, and under such a jealous government. He appears disgusted with the country and the mode of life he is compelled to lead. He desires ardently to return to his native land; but he wishes to distinguish himself first by rendering some essential service to it if possible."

Governor Quesada, by order of his court, is inviting foreigners to go and settle in Florida. This is meant for our people. Debtors take advantage of it, and go off with their property. Our citizens have a right to go where they please. It is the business of the States to take measures to stop them till their debts are paid. This done, I wish a hundred thousand of our inhabitants would accept the invitation. It will be the means of delivering to us peaceably what may otherwise cost us a war. In the meantime, we may complain of this seduction of our inhabitants just enough to make them believe we think it very wise policy for them, and confirm them in it. This is my idea of it. I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO MAJOR L'ENFANT.

PHILADELPHIA, April 10, 1791.

SIR,—I am favored with your letter of the 4th instant, and in compliance with your request, I have examined my papers, and found the plans of Frankfort-on-the-Mayne, Carlsruhe, Amsterdam, Strasburg, Paris, Orleans, Bordeaux, Lyons, Montpelier, Marseilles, Turin, and Milan, which I send in a roll by the post. They are on large and accurate scales, having been procured by me while in those respective cities myself. As they are connected with the notes I made in my travels, and often necessary to explain them to myself, I will beg your care of them, and to return them when no longer useful to you, leaving you absolutely free to keep them as long as useful. I am happy that the President has left the planning of the town in such good hands, and have no doubt it will be done to general satisfaction. Considering that the grounds to be reserved for the public are to be paid for by the acre, I think very liberal reservations should be made for them; and if this be about the Tyber and on the back of the town, it will be of no injury to the commerce of the place, which will undoubtedly establish itself on the deep waters towards the eastern branch and mouth of Rock Creek; the water about the mouth of the Tyber not being of any depth. Those connected with the government will prefer fixing themselves near the public grounds in the centre, which will also be convenient

to be resorted to as walks from the lower and upper town. Having communicated to the President, before he went away, such general ideas on the subject of the town as occurred to me, I make no doubt that, in explaining himself to you on the subject, he has interwoven with his own ideas, such of mine as he approved. For fear of repeating therefore what he did not approve, and having more confidence in the unbiassed state of his mind, than in my own, I avoided interfering with what he may have expressed to you. Whenever it is proposed to prepare plans for the Capitol, I should prefer the adoption of some one of the models of antiquity, which have had the approbation of thousands of years; and for the President's house, I should prefer the celebrated fronts of modern buildings, which have already received the approbation of all good judges. Such are the Galerie du Louire, the Gardes meubles, and two fronts of the Hotel de Salm. But of this it is yet time enough to consider. In the meantime I am, with great esteem, Sir, your most obedient humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 10, 1791.

I had the honor of addressing you on the 2d instant, which I presume would overtake you at Richmond. The present, I imagine, will not overtake you till you get to Wilmington. Since my last, I have been

honored with your two letters of March 31st, and two others of April 4th, one of which was circular. A copy of this, I sent to the Vice-President, and as Colonel Hamilton has asked a consultation on a letter of Mr. Short's, we shall have a meeting with the Vice-President to-morrow. I will then ask their advice also on the communication to Colonel Beckwith, relative to the supplies to the Indians. Finding, within a day or two after my letter to you of March 27th, that Putnam was gone to the westward, I detained my letter to him, and applied to General Knox, from whom I obtained some information on the Eastern boundary. No official information of the affair of Moose Island is received here. Perhaps it is on the road to you. Nor do we hear anything more of the disturbance said to have arisen on the borders of New York. I have asked the favor of my friend Mr. Madison to think on the subject of the consular commission to Mr. Barclay, so far as we have done so and conferred together as yet. We are both of opinion it may be used; but we shall think and confer further. I presume your only doubt arose on the constitutional powers to "supply vacancies" during the recess of Congress. There was an omission also (which might strike your mind), of the limitation of the commission "till the end of the next session of Congress." As the Constitution limits them, this clause is always useless; however, as it does no harm, it has been usually inserted in the commissions. But in the case of Mr. Barclay,

such a clause would require a very awkward explanation to the Emperor of Morocco; and as Mr. Barclay is acquainted with the constitutional determination of his commission, it was thought better to omit the useless expression of it. The acquisition of ground at Georgetown is really noble. Considering that only £25 an acre is to be paid for any grounds taken for the public, and the streets not to be counted, which will in fact reduce it to about £19 an acre, I think very liberal reserves should be made for the public. Your proclamation came to hand the night of the 5th. Dunlap's and Bache's papers for the morning of the 6th being already filled, I could only get it into Brown's evening paper of the 6th. On the 7th, the bill for the federal buildings passed the Representatives here by 42 to 10, but it was rejected yesterday by 9 to 6 in the Senate, or to speak more exactly, it was postponed till the next session. In the meantime, spirited proceedings at Georgetown will probably, under the continuance of your patronage, prevent the revival of the bill. I received last night from Major L'Enfant a request to furnish him any plans of towns I could, for his examination. I accordingly send him, by this post, plans of Frankfort-on-the-Mayne, Carlsruhe, Amsterdam, Strasburg, Paris, Orleans, Bordeaux, Lyons, Montpelier, Marseilles, Turin, and Milan, on large and accurate scales, which I procured while in those towns respectively. They are none of them, however, comparable to the old Babylon, revived in Philadel-

phia, and exemplified. While in Europe, I selected about a dozen or two of the handsomest fronts of private buildings, of which I have the plates. Perhaps it might decide the taste of the new town, were these to be engraved here, and distributed gratis among the inhabitants of Georgetown. The expense would be trifling.

I enclose you extracts from a letter of Mr. Short's of January 24th. One of January 28th has since come to hand, containing nothing but a translation of the letter, said to have been written by the Emperor to the King of France, but which he suspects to be a forgery, a forged bull of the Pope having lately appeared in the same way. He says very serious differences have arisen between the Minister of Prussia, at Liege, and the imperial commanding officer there.

I also enclose the debates of the Pennsylvania assembly on the bill for the federal buildings, and the bill itself; and have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

Extract of a letter from William Short to Thomas Jefferson, Secretary of State, dated Amsterdam, January 24, 1791.

"No loan is yet opened; as far as I can judge it will be found proper to postpone it two or three weeks longer, for reasons mentioned in my former letters, which are of general application, and in this

instance particularly for the greater certainty of a success that may enhance the credit of the United States.

"The Reporter of the Committee of Domaines has at length presented the opinion of that committee respecting the Decree on the *Droit d'Aubaine* to the assembly. He had unfortunately connected it with the business of the Successions, so that an adjournment was insisted on in order that the Report might be discussed. It was referred to four different committees. I had put the Marquis de La Fayette fully in possession of this subject, and wrote to him again respecting it, immediately on being informed of the turn it had taken. The Secretary, whom I left in Paris, writes me that they are now trying to get the Diplomatic Committee to ask for a division of this report, and to obtain a decree explanatory merely as to the *Droit d'Aubaine*. In the present ill-humor and jealousy which prevail with respect to colonies, it is difficult to say what they will do—but we may be sure that M. de Montmorin will use his exertions to effect what we desire. I apprehend delay, however, which no application can prevent, and I always had doubts myself with respect to the success of this business, notwithstanding the opinion of the Reporter and Committee of Domaines. I mentioned formerly on what those doubts were founded.

"Since the Report of the Committee of Impositions, made in the month of December, of which you

will have seen an extract in the Journals of the Assembly, and of which I enclosed you a copy in my last, nothing more has been said on tobacco, except by a member of the Committee of Finance. You will have seen that the Committee of Imposition propose to abandon tobacco as an article of revenue. The member of the Committee of Finance, on the contrary, insisted on it; another member of the same committee, however, insisted on his informing the assembly that what he said was his private opinion, and not that of the Committee of Finance. Nobody, as I have frequently repeated, can say with certainty, when the assembly will take up any subject, nor what they will decide on it. Their sentiments with respect to tobacco, have experienced a manifest alteration since the first report of the Committee of Imposition respecting it. It is probable now that it will be made an article of free commerce, with a duty on entering the kingdom. But should the Farm be continued, still some modification may be expected at present in favor of their commercial connections with the United States. I forgot to mention above, that I had received through Mr. Donald your letter of November 25 respecting this article.

"The Commercial Committee have formed a new tariff, which is now under press, as they write me, to be presented to the assembly. They not only admit American oils in their plan, but put the duties lower than under the *Arret du Conseil*. It is yet for the assembly to decide on it. I have already informed

you of the stages through which this business has been carried, and the manner in which it has been done. I hope the means will be approved of; and the United States will have reason to be satisfied with the result. The delay is inevitable from the nature and proceedings of the assembly. That is the cause, also, of the uncertainty and variation in the opinions which I have communicated to you from time to time on these subjects.

"The resistance of a considerable part of the clergy to a decree of the assembly for their civil organization, and particularly for changing the limits of the dioceses, and the violent measures adopted by the assembly respecting this resistance, or rather non-compliance, has been matter of uneasiness for some time. By a decree of the assembly all those of the clergy who, by a given day, had not taken an oath to maintain the civil organization of that body, were to be deprived of their ecclesiastical functions, and their successors immediately appointed agreeably to the new mode of election. That day rigorously has passed, and only two bishops of the assembly have taken the oath. Of the curates of Paris a majority, also, had refused; but among those subscribed were some of the principal, and particularly the curate of St. Eustache, the King's confessor, who, it is said, was converted by the King himself, who takes every possible means of preventing what might occasion disorder, and who, from his uniform conduct, merits better treatment than he sometimes

receives. By a construction of the decree some delay is obtained for its execution. In the meantime two of the refusing bishops have entered into negotiation. They desire to find some decent means of retracting their refusal; hitherto they have waited for the consent of the Pope, to obtain which they had sent an express to Rome. His answer has not yet been received, but it is known by private letters that he is disposed to accommodate at present, though he would not hear of it at first. I know not yet what effect this will produce on the people in the provinces. In the capital, their love of the Revolution so far surpasses every other passion, that all the exertions of the *Garde Nationale* have been necessary to prevent their entering the churches and hanging the refusing curates. They will manifest their dispositions less violently, perhaps, in the provinces, but in general the spirit of the Revolution will certainly predominate, even if the clergy succeed to convince them that it is contrary to the spirit of religion.

"The funds have risen to an uncommon height owing to the considerable reimbursements made by the emission of *assignats*. These do not depreciate as might have been expected. On the whole, if there were any probability of the assembly's confining themselves merely to the business of organizing the government, so as to put an end to their session and call a new legislature, the Revolution might be considered as really in a successful state;

but the Report of the Central Committee, which you will have received, prescribes such a superabundance of matter as necessary to be deliberated on and settled by the present assembly, that its end as well as the term of the completion of the constitution can be reduced to no calculation. All that seems to me certain is, that the Revolution will in one way or another end by giving a free government to France. This event might be hastened much by the assembly, if they would. My former letters will have informed you how little I think it is to be hoped from them, and for what reasons.

"The Russians, as has been expected for some time, have taken Ismailow. They stormed it, and put the whole garrison to the sword on the 22d of December. This was probably to strike terror into the Turks, in order to aid the separate negotiation which it is known Prince Potemkin is endeavoring to effect with the Grand Visier. The object is to engage the Porte to accept peace without the mediation of other powers. On the other hand, Prussia is active both in negotiation and military demonstration to counteract this project. Preparations are making for sending a large army into Livonia in the spring, which has induced the Empress to call off some of the heavy troops from those employed against the Turks. England, also, keeps an augmented navy in commission. It seems not doubted that the design is to send a fleet into the Baltic as soon as the season will permit it. It is said, also,

that the three mediating powers are negotiating with Denmark, to engage that country to be at least indifferent as to the entrance of this fleet; and that there are grounds for hopes of success. Some think, also, that there are indications which render it probable that Spain will join in the mediation for obtaining peace for the Turks. I have no reason to suppose it other than that arising from the desire which Spain must naturally have to see peace restored to that power. It is supposed if she joins in the mediation it will be merely for that object, and not from any disposition to favor generally the system of the mediating powers. Where so many and such opposite principles enter into account, it would be temerity to conjecture the particular results, without being behind the curtain; and even there probably the schemes are not yet fully ascertained. Every day must necessarily throw new lights on this complicated state of affairs, in proportion as the state of negotiation is more advanced.

"I think it probable myself, that peace will be effected one way or another in the course of the year. The present favorable situation of the Russian army, the dispersed and disheartened situation of the Ottoman, the succor promised by Prussia, so long deferred, the little hope of immediate relief from the geographical position of that power, the ardent desire of Russia to effect a peace without mediation, and the sacrifices she is disposed to make to effect it; all induce me to believe that it will be brought about

in that way. If, however, the Porte, from a well-founded confidence in the active interference of the mediating powers, should decide still to hold out, then it seems that the Empress will be induced to come to terms rather than enter the lists with new and powerful enemies, from whom she would have much to fear, particularly by sea. Still I find several who think, from the character of the Empress, that she will resist, and try the event of a campaign rather than sacrifice so much success and so much glory in having a peace dictated to her. Her resources at home are without end from her mode of calling them into action, and her credit, even here, stands high; certainly much higher than it should do. It is supposed, also, that in this extremity she would be seconded by the Emperor, notwithstanding his pacific turn. He would be authorized by treaty to do this, and his present situation would enable him; the disturbances in the various parts of his dominions having been all settled. In Brabant, particularly, his authority is more firmly settled than if he had come to it by inheritance only, since he enjoys it also by a kind of conquest.

"It is the system of the English Cabinet which is considered here as the most unaccountable. The commerce of that country is at present in the most prosperous situation, since the balance is in their favor with every part of Europe. They have more to gain by peace and more to apprehend from war, than any other power, and yet they seem deter-

mined to risk it. The advantages of their commerce in the Baltic, are certain; those in the Levant, eventual; still they seem determined to sacrifice one, at least for a time, in order to grasp at the other. On the whole, it is regarded as one of those sacrifices of commerce to politics, which France has so often given examples of. Time will show whether Mr. Pitt, or those who condemn him, are in the right."

TO WILLIAM CARMICHAEL.

PHILADELPHIA, April 11, 1791.

SIR,—I wrote you on the 12th of March, and again on the 17th of the same month; since which, I have received your favor of January the 24th, wherein you refer to copies of two letters, also to a paper No. 1, supposed to be enclosed in that letter; but there was nothing enclosed. You speak particularly of several other letters formerly forwarded, but not a single one was ever received of later date than May the 6th, 1789; and this of January 24th, is all we possess from you since that date. I enclose you a list of letters addressed to you on various subjects, and to which answers were and are naturally expected; and send you again copies of the papers in the case of the Dover Cutter, which has been the subject of so many of those letters, and is the subject of the constant solicitation of the parties here. A final decision on that application, therefore, is earnestly desired. When you consider the repeated

references of matters to you from hence, and the total suppression of whatever you have written in answer, you will not be surprised if it had excited a great degree of uneasiness. We had inquired whether private conveyances did not occur, from time to time, from Madrid to Cadiz, where we have vessels almost constantly, and we were assured that such conveyances were frequent. On the whole, Sir, you will be sensible, that under the jealous government with which you reside, the conveyance of intelligence requires as much management as the obtaining it; and I am in hopes that in future, you will be on your guard against those infidelities in that line, under which you and we have so much suffered.

The President is absent on a journey through the southern States, from which he will not return till the end of June; consequently, I could not sooner notify him of your desire to return; but even then, I will take the liberty of saying nothing to him on the subject till I hear further from you. The suppression of your correspondence has, in a considerable degree, withdrawn you from the public sight. I sincerely wish that before your return, you could do something to attract their attention and favor, and render your return pleasing to yourself and profitable to them, by introducing you to new proofs of their confidence. My two last letters to you furnish occasions; that of a co-operation against the British navigation act, and the arrangement of

our affairs on the Mississippi. The former, if it can be effected, will form a remarkable and memorable epoch in the history and freedom of the ocean. Mr. Short will press it at Paris, and Colonel Humphreys at Lisbon. The latter will show most at first; and as to it, be so good as to observe always, that the right of navigating the Mississippi is considered as so palpable, that the recovery of it will produce no other sensation than that of a gross injustice removed. The extent and freedom of the port for facilitating the use of it, is what will excite the attention and gratification of the public. Colonel Humphreys writes me, that all Mr. Gardoqui's communications, while here, tended to impress the court of Madrid with the idea, that the navigation of the Mississippi was only demanded on our part to quiet our western settlers, and that it was not sincerely desired by the maritime States. This is a most fatal error, and must be completely eradicated and speedily, or Mr. Gardoqui will prove to have been a bad peacemaker. It is true, there were characters whose stations entitled them to credit, and who, from geographical prejudices, did not themselves wish the navigation of the Mississippi to be restored to us, and who believe, perhaps, as is common with mankind, that their opinion was the general opinion. But the sentiments of the great mass of the Union were decidedly otherwise then, and the very persons to whom Mr. Gardoqui alluded, have now come over to the opinion heartily, that the

navigation of the Mississippi, in full and unrestrained freedom, is indispensably necessary, and must be obtained by any means it may call for. It will be most unfortunate, indeed, if we cannot convince Spain that we make this demand in earnest, but by acts which will render that conviction too late to prevent evil.

Not knowing how better to convey to you the laws and the gazettes, than by committing them to the patronage of Colonel Humphreys, I now send through that channel the laws of the second and third sessions of Congress, and the newspapers.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO CHARLES CARROLL OF CARROLLTON.

PHILADELPHIA, April 15, 1791.

DEAR SIR,—I received last night your favor of the 10th, with Mr. Brown's receipt, and thank you for the trouble you have been so kind as to take in this business.

Our news from the westward is disagreeable. Constant murders committing by the Indians, and their combination threatens to be more and more extensive. I hope we shall give them a thorough drubbing this summer, and then change our tomahawk into a golden chain of friendship. The most economical as well as most humane conduct towards them is to bribe them into peace, and to retain them

in peace by eternal bribes. The expedition this year would have served for presents on the most liberal scale for one hundred years; nor shall we otherwise ever get rid of an army, or of our debt. The least rag of Indian depredation will be an excuse to raise troops for those who love to have troops, and for those who think that a public debt is a good thing. Adieu, my dear Sir. Yours affectionately.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 17, 1791.

SIR,—I had the honor of addressing you on the 2d, which I supposed would find you at Richmond, and again on the 10th, which I thought would overtake you at Wilmington. The present will probably find you at Charleston.

According to what I mentioned in my letter of the 10th, the Vice-President, Secretaries of the Treasury and War, and myself, met on the 11th. Colonel Hamilton presented a letter from Mr. Short, in which he mentioned that the month of February being one of the periodical months in Amsterdam, when, from the receipt of interest and refunding of capitals, there is much money coming in there, and free to be disposed of, he had put off the opening his loan till then, that it might fill the more rapidly, a circumstance which would excite the presumption of our credit;—that he had every reason to hope it would be filled before it would be possible for him, after his then

communication of the conditions, to receive your approbation of them, and orders to open a second; which, however, should be awaited, according to his instructions; but he pressed the expediting the order, that the stoppage of the current in our favor might be as short as possible. We saw that if, under present circumstances, your orders should be awaited, it would add a month to the delay, and we were satisfied, were you present, you would approve the conditions, and order a second loan to be opened. We unanimously, therefore, advised an immediate order, on condition the terms of the second loan should not be worse than those of the first.

General Knox expressed an apprehension that the Six Nations might be induced to join our enemies, there being some suspicious circumstances; and he wished to send Colonel Pickering to confirm them in their neutrality. This, he observed, would occasion an expense of about two thousand dollars, as the Indians were never to be met empty handed. We thought the mission advisable. As to myself, I hope we shall give the Indians a thorough drubbing this summer, and I should think it better afterwards to take up the plan of liberal and repeated presents to them. This would be much the cheapest in the end, and would save all the blood which is now spilt: in time, too, it would produce a spirit of peace and friendship between us. The expense of a single expedition would last very long for presents. I mentioned to the gentlemen, the idea of suggesting

through Colonel Beckwith our knowledge of the conduct of the British officers in furnishing the Indians with arms and ammunition, and our dissatisfaction. Colonel Hamilton said that Beckwith had been with him on the subject, and had assured him they had given them nothing more than the annual presents, and at the annual period. It was thought proper, however, that he should be made sensible that this had attracted the notice of government. I thought it the more material, lest, having been himself the first to speak of it, he might suppose his excuses satisfactory, and that therefore they might repeat the annual present this year. As Beckwith lodges in the same house with Mr. Madison, I have desired the latter to find some occasion of representing to Beckwith that, though an annual present of arms and ammunition be an innocent thing in time of peace, it is not so in time of war; that it is contrary to the laws of neutrality for a neutral power to furnish military implements to either party at war, and that if their subjects should do it on private account, such furniture might be seized as contraband: to reason with him on the subject, as from himself, but so as to let him see that government thought as himself did.

You knew, I think, before you left us, that the British Parliament had a bill before them for allowing wheat, imported in *British* bottoms, to be warehoused rent free. In order further to circumscribe the carrying business of the United States, they now

refuse to consider as an American bottom any vessel not built here. By this construction, they take from us the right of defining, by our own laws, what vessels shall be deemed ours and naturalized here; and in the event of a war, in which we should be neutral, they put it out of our power to benefit ourselves of our neutrality, by increasing suddenly by purchase and naturalization our means of carriage. If we are permitted to do this by building only, the war will be over before we can be prepared to take advantage of it. This has been decided by the Lords Commissioners of the Treasury, in the case of one Green, a merchant of New York; from whom I have received a regular complaint on the subject. I enclose you the copy of a note from Mr. King to Colonel Hamilton, on the subject of the appointment of a British minister to come here. I suspect it, however, to be without foundation.

Colonel Eveleigh died yesterday. Supposing it possible you might desire to appoint his successor as soon as you could decide on one, I enclose you a blank commission; which, when you shall be pleased to fill it up and sign, can be returned for the seal and counter-signature. I enclose you a letter from Mr. Coxe to yourself, on the subject of this appointment, and so much of one to me as related to the same, having torn off a leaf of compliment to lighten and lessen my enclosures to you. Should distributive justice give preference to a successor of the same state with the deceased, I take the liberty of suggest-

ing to you Mr. Hayward, of South Carolina, whom I think you told me you did not know, and of whom you are now on the spot of inquiry. I enclose you also a continuation of the Pennsylvania debates on the bill for federal buildings. After the postponement by the Senate, it was intended to bring on the reconsideration of that vote; but the hurry at winding up their session prevented it. They have not chosen a federal Senator.

I have the honor to be, with the most profound respect and sincere attachment, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 24, 1791.

SIR,—I had the honor of addressing you on the 17th. Since which I have received yours of the 13th. I enclose you extracts from letters received from Mr. Short. In one of the 7th of February, Mr. Short informs me that he has received a letter from M. de Montmorin, announcing to him that the King has named Ternant his minister here. The questions on our tobacco and oil have taken unfavorable turns. The former will pay fifty livres the thousand weight less, when carried in French than foreign bottoms. Oil is to pay twelve livres a kental, which amounts to a prohibition of the common oils, the only kind carried there. Tobacco will not feel the effect of these measures till time will be given to bring it to

rights. They had only twenty thousand hogsheads in the kingdom in November last, and they consume two thousand hogsheads a month, so that they must immediately come forward and make great purchases, and not having as yet vessels of their own to carry it, they must pay the extra duties on ours. I have been puzzled about the delays required by Mr. Barclay's affairs. He gives me reason to be tolerably assured, that he will go in the first vessel which shall sail after the last day of May. There is no vessel at present whose destination would suit. Believing that even with this, we shall get the business done sooner than through any other channel, I have thought it best not to change the plan. The last Leyden gazettes give us what would have been the first object of the British arms, had the rupture with Spain taken place.

You know that Admiral Cornish had sailed on an unknown destination before the Convention was received in London. Immediately on its receipt, they sent an express after him to Madeira, in hopes of finding him there. He was gone, and had so short a passage, that in twenty-three days he had arrived in Barbadoes, the general rendezvous. All the troops of the islands were collecting there, and General Matthews was on his way from Antigua to take command of the land operations, when he met with the packet-boat which carried the counter-orders. Trinidad was the object of the expedition. Matthews returned to Antigua, and Cornish is arrived

in England. This island, at the mouth of the Oronoko, is admirably suited for a lodgment from which all the country up that river, and all the northern coast of South America, Spanish, French, Dutch and Portuguese, may be suddenly assailed.

Colonel Pickering is now here, and will set out in two or three days to meet the Indians, as mentioned in my last. The intimation to Colonel Beckwith has been given by Mr. Madison. He met it on very different grounds from that on which he had placed it with Colonel Hamilton. He pretended ignorance and even disbelief of the fact; when told that it was out of doubt, he said he was positively sure the distribution of arms had been without the knowledge and against the orders of Lord Dorchester, and of the government. He endeavored to induce a formal communication from me. When he found that could not be effected, he let Mr. Madison perceive that he thought, however informal his character, he had not been sufficiently noticed; said he was in New York before I came into office, and that though he had not been regularly turned over to me, yet I knew his character. In fine, he promised to write to Lord Dorchester the general information we had received, and our sense of it; and he saw that his former apologies to Colonel Hamilton had not been satisfactory to the government. Nothing further from Moose Island, nor the posts on the northern border of New York, nor anything of the last week from the western country.

Arthur Campbell has been here. He is the enemy of P. Henry. He says the Yazoo bargain is like to drop with the consent of the purchasers. He explains it thus: They expected to pay for the lands in public paper at par, which they had bought at half a crown a pound. Since the rise in the value of the public paper, they have gained as much on that as they would have done by investing it in the Yazoo lands; perhaps more, as it puts a large sum of specie at their command, which they can turn to better account. They are, therefore, likely to acquiesce under the determination of the government of Georgia to consider the contract as forfeited by non-payment.

I direct this letter to be forwarded from Charleston to Camden. The next will be from Petersburg to Taylor's Ferry; and after that, I shall direct to you at Mount Vernon.

I have the honor to be, with sentiments of the most affectionate respect and attachment, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, April 25, 1791.

DEAR SIR,—My late letters to you have been of the 8th, 12th, 15th, and 19th of March, yours received and acknowledged are as follows.

* * * * * * * *

I consider the consular convention as securing clearly our right to appoint consuls in the French colonies. The words "*Etats du roi*," unquestionably extend to all his dominions. If they had been merely synonymous with "*la France*," why was the alteration made? When I proposed that alteration, I explained my reasons, and it cannot be supposed I wold suffer a change of language but for some matter of substance. Again, in the translation, it is "dominions of France." This translation was submitted to M. de Montmorin and M. de Reyneval, with a request that they would note any deviation in it from the original, or otherwise it would be considered as faithful. No part was objected to. M. de Reyneval says, we must decide by the instrument itself, and not by the explanations which took place. It is a rule, where expressions are susceptible of two meanings, to recur to other explanations. Good faith is in favor of this recurrence. However, in the present case, the expression does not admit of two constructions; it is co-extensive with the dominions of the King. I insist on this, only as a reservation of our right, and not with a view to exercise it, if it shall be inconvenient and disagreeable to the government of France. Only two appointments have as yet been made (Mr. Skipwith at Martinique and Guadaloupe, and Mr. Bourne in St. Dominique), and they shall be instructed not to ask a regular Exequatur. We certainly wish to press nothing on our friends which shall be inconvenient. I shall hope

that M. de Montmorin will order such attentions to be shown to those gentlemen as the patronage of commerce may call for, and may not be inconvenient to the government. These gentlemen are most pointedly instructed not to intermeddle, by word or deed, with political matters.

My letter of August, 1790, to Mr. Carmichael, was delivered to him by Colonel Humphreys.

The report you mention of the prospect of our captives at Algiers being liberated, has not taken its rise from any authoritative source. Unfortunately for us, there have been so many persons, who (from friendly or charitable motives, or to recommend themselves) have busied themselves about this redemption, as to excite great expectations in the captors, and render our countrymen in fact irredeemable. We have not a single operation on foot for that purpose, but what you know of, and the more all voluntary interpositions are discouraged the better for our unhappy friends whom they are meant to serve.

You know how strongly we desire to pay off our whole debt to France, and that for this purpose we will use our credit as far as it will hold good. You know, also, what may be the probability of our being able to borrow the whole sum. Under these dispositions and prospects, it would grieve us extremely to see our debt pass into the hands of speculators, and be subjected ourselves to the chicaneries and vexations of private avarice. We desire you,

therefore, to dissuade the government, as far as you can prudently, from listening to any overtures of that kind, and as to the speculators themselves, whether native or foreign, to inform them, without reserve, that our government condemns their projects, and reserves to itself the right of paying no where but into the treasury of France, according to their contract.

I enclose you a copy of Mr. Grand's note to me, stating the conditions on which Drost would come, and also a letter from the Secretary of the Treasury, expressing his ideas as to those terms, with which I agree. We leave to your agency the engaging and sending Mr. Drost as soon as possible, and to your discretion to fix the terms, rendering the allowance for expenses certain, which his first proposition leaves uncertain. Subsistence here costs about one-third of what it does in Paris, to a housekeeper. In a lodging house, the highest price for a room and board is a dollar a day, for the master, and half that for the servant. These facts may enable you to settle the article of expenses reasonably. If Mr. Drost undertakes assaying, I should much rather confide it to him, than to any other person who can be sent. It is the most confidential operation in the whole business of coining. We should expect him to instruct a native in it. I think, too, he should be obliged to continue longer than a year, if it should be necessary for qualifying others to continue his operations. It is not important that he be here till

November or December, but extremely desirable then. He may come as much sooner as he pleases.

We address to M. la Motte a small box for you, containing a complete set of the journals of the ancient Congress, the acts of the last session of the federal legislature, and a continuation of the newspapers. I am, with great and sincere esteem, dear Sir, your affectionate friend and humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 1, 1791.

SIR,—I had the honor of addressing you on the 24th ult., which I presume you will have received at Camden. The present is ordered to go from Petersburg to Taylor's Ferry. I think it better my letters should be even some days ahead of you, knowing that if they ever get into your rear they will never overtake you. I write to-day, indeed, merely as the watchman cries, to prove himself awake, and that all is well, for the last week has scarcely furnished anything foreign or domestic, worthy your notice. Truxton is arrived from the East Indies, and confirms the check by Tippoo Saib, on the detachment of Colonel Floyd, which consisted of between three and four thousand men. The latter lost most of his baggage and artillery, and retreated under the pursuit of the enemy. The loss of men is pretended by their own papers to have been two or three hundred only. But the loss and

character of the officers killed, makes me suspect that the situation has been such as to force the best officers to expose themselves the most, and consequently that more men must have fallen. The main body with General Meadows at their head are pretended to be going on boldly. Yet, Lord Cornwallis is going to take the field in person. This shows that affairs are in such a situation as to give anxiety. Upon the whole, the account received through Paris papers proves true, notwithstanding the minister had declared to the House of Commons, in his place, that the public accounts were without foundation, and that nothing amiss had happened.

Our loan in Amsterdam for two and a half million of florins filled in two hours and a half after it was opened.

The Vice-President leaves us to-morrow. We are told that Mr. Morris gets £70,000 sterling for the lands he has sold.

A Mr. Noble has been here, from the country where they are busied with the sugar-maple tree. He thinks Mr. Cooper will bring three thousand pounds worth to market this season, and gives the most flattering calculations of what may be done in that way. He informs me of another most satisfactory fact, that less profit is made by converting the juice into spirit than into sugar. He gave me specimens of the spirit, which is exactly whiskey.

I have arrived at Baltimore from Marseilles forty olive trees of the best kind from Marseilles, and a box

of seed, the latter to raise stocks, and the former, cuttings to engraft on the stocks. I am ordering them on instantly to Charleston, where, if they arrive in the course of this month, they will be in time. Another cargo is on its way from Bordeaux, so that I hope to secure the commencement of this culture, and from the best species. Sugar and oil will be no mean addition to the articles of our culture. I have the honor to be, with the greatest respect and esteem, Sir, your most obedient, and most humble servant.

TO THE ATTORNEY OF THE DISTRICT OF KENTUCKY.

PHILADELPHIA, May 7, 1791.

SIR,—A certain James O'Fallon is, as we are informed, undertaking to raise, organize and commission an army, of his own authority, and independent of that of the government, the object of which is, to go and possess themselves of lands which have never yet been granted by any authority, which the government admits to be legal, and with an avowed design to hold them by force against any power, foreign or domestic. As this will inevitably commit our whole nation in war with the Indian nations, and perhaps others, it cannot be permitted that all the inhabitants of the United States shall be involved in the calamities of war, and the blood of thousands of them be poured out, merely that a few adventurers may possess themselves of lands; nor

can a well ordered government tolerate such an assumption of its sovereignty by unauthorized individuals. I send you herein the Attorney General's opinion of what may legally be done, with a desire that you proceed against the said O'Fallon according to law. It is not the wish, to extend the prosecution to other individuals, who may have given thoughtlessly into his unlawful proceeding. I enclose you a proclamation to this effect. But they may be assured, that if this undertaking be prosecuted, the whole force of the United States will be displayed to punish the transgression. I enclose you one of O'Fallon's commissions, signed, as is said, by himself.

I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 8, 1791.

SIR,—The last week does not furnish one single public event worthy communicating to you; so that I have only to say "all is well." Paine's answer to Burke's pamphlet begins to produce some squibs in our public papers. In Fenno's paper they are Burkites, in the others, Painites. One of Fenno's was evidently from the author of the discourses on Davila. I am afraid the indiscretion of a printer has committed me with my friend, Mr. Adams, for whom, as one of the most honest and disinterested men alive,

I have a cordial esteem, increased by long habits of concurrence in opinion in the days of his republicanism; and even since his apostasy to hereditary monarchy and nobility, though we differ, we differ as friends should do. Beckley had the only copy of Paine's pamphlet, and lent it to me, desiring when I should have read it, that I would send it to a Mr. J. B. Smith, who had asked it for his brother to reprint it. Being an utter stranger to J. B. Smith, both by sight and character, I wrote a note to explain to him why I (a stranger to him) sent him a pamphlet, to wit, that Mr. Beckley had desired it; and to take off a little of the dryness of the note, I added that I was glad to find it was to be reprinted, that something would, at length, be publicly said against the political heresies which had lately sprung up among us, and that I did not doubt our citizens would rally again round the standard of common sense. That I had in my view the discourses on Davila, which have filled Fenno's papers, for a twelvemonth, without contradiction, is certain, but nothing was ever further from my thoughts than to become myself the contradictor before the public. To my great astonishment, however, when the pamphlet came out, the printer had prefixed my note to it, without having given me the most distant hint of it. Mr. Adams will unquestionably take to himself the charge of political heresy, as conscious of his own views of drawing the present government to the form of the English constitution, and, I fear, will consider me as meaning to injure

him in the public eye. I learn that some Anglo-men have censured it in another point of view, as a sanction of Paine's principles tends to give offence to the British government. Their real fear, however, is that this popular and republican pamphlet, taking wonderfully, is likely at a single stroke, to wipe out all the unconstitutional doctrines which their bell-wether Davila has been preaching for a twelve-month. I certainly never made a secret of my being anti-monarchical, and anti-aristocratical; but I am sincerely mortified to be thus brought forward on the public stage, where to remain, to advance or to retire, will be equally against my love of silence and quiet, and my abhorrence of dispute. I do not know whether you recollect that the records of Virginia were destroyed by the British in the year 1781. Particularly the transactions of the revolution before that time. I am collecting here all the letters I wrote to Congress while I was in the administration there, and this being done, I shall then extend my views to my predecessors, in order to replace the whole in the public offices in Virginia. I think that during my administration, say between June 1, 1779, and June 1, 1781, I had the honor of writing frequent letters to you on public affairs, which perhaps, may be among your papers at Mount Vernon. Would it be consistent with any general resolution you have formed as to your papers, to let my letters of the above period come here to be copied, in order to make them a part of the records I am endeavoring

to restore for the State? or would their selection be too troublesome? if not, I would beg the loan of them, under an assurance that they shall be taken the utmost care of, and safely returned to their present deposit.

The quiet and regular movement of our political affairs leaves nothing to add but constant prayers for your health and welfare, and assurances of the sincere respect and attachment of, Sir, your most obedient, and most humble servant.

TO THE HONORABLE JEREMIAH WADSWORTH.

PHILADELPHIA, May 11, 1791.

SIR,—I have duly received your favor of April 20. The exemption from the *Droit d'Aubaine* in the French West Indies, has been for some time past a subject of attention. As the National Assembly were abolishing it in *France* for all nations, I desired our Chargé des Affaires there to see that the decree should be extended to all the *dominions* of France. His letters assure me that it will be done, so as to remove this grievance hereafter. With respect to the past, I believe it has been judiciously determined in France that the exemption given by our treaty did not extend to their foreign possessions. Should Mr. Johnston, however, be disposed to try this matter, it will be requisite for him to obtain from Port-au-Prince an authenticated record of the proceedings in his case. It would seem, also, that those

in the case of the gentleman of Curracoa, might be useful. These should be transmitted to some person in Paris to solicit the government for him. Though it is not permitted that our Chargé des Affaires there, or anywhere, should act as the private agent or solicitor for any individual, yet he will lend his aid and influence wherever it may be just and useful, by official applications. I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

TO MR. DUMAS.

PHILADELPHIA, May 13, 1791.

SIR,—You will readily conceive that the union of domestic with the foreign affairs under the department of State, brings on the head of this department such incessant calls, not admitting delay, as oblige him to postpone whatever will bear postponing; hence, though it is important that I should continue to receive, from time to time, regular information from you of whatever occurs within your notice, interesting to the United States, yet it is not in mv power to acknowledge the receipt of your letters regularly as they come. I mention this circumstance that you may ascribe the delay of acknowledgment to the real cause, and that it may not produce any relaxation on your part in making all those communications which it is important should be received, and which govern our proceedings, though it is not in my power to note it to you specially.

In general, our affairs are proceeding in a train of unparalleled prosperity. This arises from the real improvements of our government, from the unbounded confidence reposed in it by the people, their zeal to support it, and their conviction that a solid Union is the best rock of their safety, from the favorable seasons which for some years past have co-operated with a fertile soil and a genial climate to increase the productions of agriculture, and from the growth of industry, economy and domestic manufactures; so that I believe I may say with truth, that there is not a nation under the sun enjoying more present prosperity, nor with more in prospect. The Indians on our frontier, indeed, still continue to cut off straggling individuals or families falling in their way. An expedition against them the last summer was less successful than there was reason to expect. We lost in it about one hundred men. The operations of the present summer will more probably bring them to peace, which is all we desire of them, it having been a leading object of our present Government to guaranty them in their present possessions, and to protect their persons with the same fidelity which is extended to its own citizens. We ask nothing of them but that they will accept our peace, friendship and services; and we hope soon to make them sensible of this, in spite of the incitements against us, which they have been so much the dupes of. This is the general state of our affairs at present, as faithfully as I am able to give it.

I am to acknowledge the receipt of your favors of April 2, May 8, 17, 26; July 10, 14; September 7, 30; October 19, November 23, December 6 and 11. I now receive the Leyden Gazette with great regularity by the British packet, and thank you for your attention to this, with a request that it may be continued.

There is no doubt it would be desirable for us to receive our intelligence from Europe through a channel of our own; but the expense of an establishment of packet-boats would be beyond the value of the object for us, considering that our connection with Europe is less political than commercial, and that information of the latter kind may come safely through any channel. In fact, if we attend to the whole amount of our civil list, we shall find that the expense of packet-boats would make a very sensible addition to it. The idea, therefore, though good, must be suspended yet awhile.

Accept my thanks on the part of the Government for the copy of Rymer you have been so good as to send us, and which is duly received, and be assured of the sincere esteem and attachment with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO THOMAS BARCLAY.

PHILADELPHIA, May 13, 1791.

SIR,—You are appointed by the President of the United States, to go to the court of Morocco, for the purpose of obtaining from the new Emperor, a recognition of our treaty with his father. As it is thought best that you should go in some definite character, that of consul has been adopted, and you consequently receive a commission as consul for the United States, in the dominions of the Emperor of Morocco, which, having been issued during the recess of the Senate, will, of course, expire at the end of their next session. It has been thought best, however, not to insert this limitation in the commission, as being unnecessary; and it might, perhaps, embarrass. Before the end of the next session of the Senate, it is expected the objects of your mission will be accomplished.

Lisbon being the most convenient port of correspondence between us and Morocco, sufficient authority will be given to Colonel Humphreys, resident of the United States at that place, over funds in Amsterdam, for the objects of your mission. On him, therefore, you will draw for the sums herein allowed, or such parts of them as shall be necessary. To that port, too, you had better proceed in the first vessel which shall be going there, as it is expected you will get a ready passage from thence to Morocco.

On your arrival at Morocco, sound your ground,

and know how things stand at present. Your former voyage there, having put you in possession of the characters through whom this may be done, who may best be used for approaching the Emperor and effecting your purpose, you are left to use your own knowledge to the best advantage.

The object being merely to obtain an acknowledgment of the treaty, we rely that you will be able to do this, giving very moderate presents. As the amount of these will be drawn into precedent, on future similar repetitions of them, it becomes important. Our distance, our seclusion from the ancient world, its politics and usages, our agricultural occupations and habits, our poverty, and lastly, our determination to prefer war in all cases, to tribute under any form, and to any people whatever, will furnish you with topics for opposing and refusing high or dishonoring pretensions; to which may be added, the advantages their people will derive from our commerce, and their sovereign, from the duties laid on whatever we extract from that country.

Keep us regularly informed of your proceedings and progress, by writing by every possible occasion, detailing to us particularly your conferences, either private or public, and the persons with whom they are held.

We think that Francisco Chiappe has merited well of the United States, by his care of their peace and interests. He has sent an account of disbursements for us, amounting to three hundred and ninety-four

dollars. Do not recognize the account, because we are unwilling, by doing that, to give him a color for presenting larger ones hereafter, for expenses which it is impossible for us to scrutinize or control. Let him understand, that our laws oppose the application of public money so informally; but in your presents, treat *him* handsomely, so as not only to cover this demand, but go beyond it with a liberality which may fix him deeply in our interests. The place he holds near the Emperor, renders his friendship peculiarly important. Let us have nothing further to do with his brothers, or any other person. The money which would make one good friend, divided among several, will produce no attachment.

The Emperor has intimated that he expects an ambassador from us. Let him understand, that this may be a custom of the old world, but it is not ours; that we never sent an ambassador to any nation.

You are to be allowed, from the day of your departure till your return, one hundred and sixty-six dollars and sixty-six cents and two-thirds, a month, for your time and expenses, adding thereto your passage money and sea stores going and coming.

Remain in your post till the 1st of April next, and as much longer as shall be necessary to accomplish the objects of your mission, unless you should receive instructions from hence to the contrary.

With your commission, you will receive a letter

to the Emperor of Morocco, a cypher, and a letter to Colonel Humphreys.

I have the honor to be, with great esteem, Sir, your most obedient, and most humble servant.

A private instruction which Mr. Barclay is to carry in his memory, and not on paper, lest it should come into improper hands.

We rely that you will obtain the friendship of the new Emperor, and his assurances that the treaty shall be faithfully observed, with as little expense as possible. But the sum of ten thousand dollars is fixed as the limit which all your donations together are not to exceed.

May 13, 1791.

[*Letter from the President to the Emperor of Morocco, referred to in the letter to Mr. Barclay.*]

Great and Magnanimous Friend,—Separated by an immense ocean from the more ancient nations of the earth, and little connected with their politics or proceedings, we are late in learning the events which take place among them, and later in conveying to them our sentiments thereon.

The death of the late Emperor, your father and our friend, of glorious memory, is one of those events which, though distant, attracts our notice and concern. Receive, great and good friend, my sincere sympathy with you on that loss; and permit me, at

the same time, to express the satisfaction with which I learn the accession of so worthy a successor to the imperial throne of Morocco, and to offer you the homage of my sincere congratulations. May the days of your Majesty's life be many and glorious, and may they ever mark the era during which a great people shall have been most prosperous and happy, under the best and happiest of sovereigns!

The late Emperor, very soon after the establishment of our infant nation, manifested his royal regard and amity to us by many friendly and generous acts, and, particularly, by the protection of our citizens in their commerce with his subjects. And as a further instance of his desire to promote our prosperity and intercourse with his realms, he entered into a treaty of amity and commerce with us, for himself and his successors, to continue fifty years. The justice and magnanimity of your Majesty, leave us full confidence that the treaty will meet your royal patronage also; and it will give me great satisfaction to be assured, that the citizens of the United States of America may expect from your imperial Majesty, the same protection and kindness, which the example of your illustrious father has taught them to expect from those who occupy the throne of Morocco, and to have your royal word, that they may count on a due observance of the treaty which cements the two nations in friendship.

This will be delivered to your Majesty, by our faithful citizen, Thomas Barclay, whom I name

consul for these United States in the dominions of your Majesty, and who, to the integrity and knowledge qualifying him for that office, unites the peculiar advantage of having been the agent, through whom our treaty with the late Emperor was received. I pray your Majesty to protect him in the exercise of his functions for the patronage of the commerce between our two countries, and of those who carry it on.

May that God, whom we both adore, bless your imperial Majesty with long life, health and success, and have you always, great and magnanimous friend, under his holy keeping.

Written at Philadelphia, the thirty-first day of March, in the fifteenth year of our sovereignty and independence, from your good and faithful friend.

TO THOMAS MANN RANDOLPH.[1]

BENNINGTON, in Vermont, June 5, 1791.

DEAR SIR,—Mr. Madison and myself are so far on the tour we had projected. We have visited, in the course of it, the principal scenes of General Burgoyne's misfortunes, to wit, the grounds at Stillwater, where the action of that name was fought, and particularly the breastworks, which cost so much blood to both parties, the encampments at Saratoga and ground where the British piled their arms, and the field of the battle of Bennington, about nine

[1] No address.

miles from this place. We have also visited Forts William, Henry and George, Ticonderoga, Crown Point, etc., which have been scenes of blood from a very early part of our history. We were more pleased, however, with the botanical objects which continually presented themselves. Those either unknown or rare in Virginia, were the sugar maple in vast abundance. The silver fir, white pine, pitch pine, spruce pine, a shrub with decumbent stems, which they call juniper, an aralea, very different from the nudiflora, with very large clusters of flowers, more thickly set on the branches, of a deeper red, and high pink-fragrance. It is the richest shrub I have seen. The honey-suckle of the gardens growing wild on the banks of Lake George, the paper-birch, an aspen with a velvet leaf, a shrub-willow with downy catkins, a wild gooseberry, the wild cherry with single fruit, (not the bunch cherry,) strawberries in abundance. From the highlands to the lakes it is a limestone country. It is in vast quantities on the eastern sides of the lakes, but none on the western sides. The Sandy Hill Falls and Wing's Falls, two very remarkable cataracts of the Hudson, of about thirty-five feet or forty feet each, between Fort Edward and Fort George, are of limestone, in horizontal strata. Those of the Cohoes, on the west side of the Hudson, and of seventy feet height, we thought not of limestone. We have met with a small red squirrel, of the color of our fox-squirrel, with a black stripe on each side,

weighing about six ounces generally, and in such abundance on Lake Champlain particularly, as that twenty odd were killed at the house we lodged in, opposite Crown Point, the morning we arrived there, without going ten yards from the door. We killed three crossing the lakes, one of them just as he was getting ashore, where it was three miles wide, and where, with the high wind then blowing, he must have made it five or six miles.

I think I asked the favor of you to send for Anthony in the season for inoculation, as well as to do what is necessary in the orchard, as to pursue the object of inoculating all the spontaneous cherry trees in the fields with good fruit.

We have now got over about four hundred miles of our tour, and have still about four hundred and fifty more to go over. Arriving here on the Saturday evening, and the laws of the State not permitting us to travel on the Sunday, has given me time to write to you from hence. I expect to be at Philadelphia by the 20th or 21st. I am, with great and sincere esteem, dear Sir, yours affectionately.

TO COLONEL MONROE.

PHILADELPHIA, July 10, 1791.

DEAR SIR,—Your favor of June 17, has been duly received. I am endeavoring to get for you the lodgings Langdon had. But the landlord is doubtful whether he will let them at all. If he will not, I will

endeavor to do the best I can. I can accommodate you myself with a stable and coach-house, without any expense, as I happen to have two on hand; and indeed, in my new one, I have had stalls enough prepared for six horses, which are two more than I keep. Of my success in procuring rooms, I shall bring you news myself, though as yet the time of my visit to Albemarle is unfixed. Mr. Madison will both go and come with me. He is at present at New York. His journey with me to the lakes placed him in better health than I have seen him; but the late heats have brought on some bilious dispositions.

The papers which I send Mr. Randolph weekly, and which I presume you see, will have shown you what a dust Paine's pamphlet has kicked up here. My last to Mr. Randolph will have given an explanation as to myself, which I had not time to give when I sent you the pamphlet. A writer, under the name of Publicola, in attacking all Paine's principles, is very desirous of involving me in the same censure with the author. I certainly merit the same, for I profess the same principles; but it is equally certain I never meant to have entered as a volunteer into the cause. My occupations do not permit it. Some persons here are insinuating that I am Brutus, that I am Agricola, that I am Philodemus, etc., etc. I am none of them, being decided not to write a word on the subject, unless any printed imputation should call for a printed disavowal, to which I should put my name. A Boston paper has declared that Mr.

Adams "has no more concern in the publication of the writings of Publicola, than the author of the 'Rights of Man' himself." If the equivoque here were not intended, the disavowal is not entirely credited, because not from Mr. Adams himself, and because the style and sentiments raise so strong a presumption. Besides, to produce any effect he must disavow Davila and the Defence of the American Constitutions. A host of writers have risen in favor of Paine, and prove that in this quarter, at least, the spirit of republicanism is sound. The contrary spirit of the high officers of government is more understood than I expected. Colonel Hamilton avowing that he never made a secret of his principles, yet taxes the imprudence of Mr. Adams in having stirred the question, and agrees that "his business is done." Jay, covering the same principles under the veil of silence, is rising steadily on the ruins of his friends. The bank filled and overflowed in the moment it was opened. Instead of twenty thousand shares, twenty-four thousand were offered, and a great many unpresented, who had not suspected that so much haste was necessary. Thus it is that we shall be paying thirteen per cent. per annum for eight millions of paper money, instead of having that circulation of gold and silver for nothing. Experience has proved to us that a dollar of silver disappears for every dollar of paper emitted; and, for the paper emitted from the bank, seven per cent. profits will be received by the subscribers for it as

bank paper, (according to the last division of profits by the Philadelphia bank,) and six per cent. on the public paper of which it is the representative. Nor is there any reason to believe, that either the six millions of paper, or the two millions of specie deposited, will not be suffered to be withdrawn, and the paper thrown into circulation. The cash deposited by strangers for safe keeping will probably suffice for cash demands. Very few subscribers have offered from Virginia or North Carolina, which gives uneasiness to H. It is impossible to say where the appetite for gambling will stop. The land office, the federal town, certain schemes of manufacture, are all likely to be converted into aliment for that rage; but this subject is too copious for a letter, and must be reserved for conversation. The respite from occupation which my journey procured, has entirely removed my headaches. Kiss and bless Mrs. Monroe and Eliza, for, dear Sir, yours affectionately.

TO COLONEL HUMPHREYS.

PHILADELPHIA, July 13, 1791.

SIR,—Mr. Barclay having been detained longer than was expected, you will receive this as well as my letter of May the 13th from him. Since the date of that, I have received your No. 15, March the 31st, No. 16, April the 8th, No. 17, April the 30th, No. 18, May the 3d, and No. 20, May the 21st.

You are not unacquainted with the situation of

our captives at Algiers. Measures were taken, and were long depending, for their redemption. During the time of their dependence, we thought it would forward our success to take no notice of the captives. They were maintained by the Spanish consul, from whom applications for reimbursement, through Mr. Carmichael, often came: no answer of any kind was ever given. A certainty now that our measures for their redemption will not succeed, renders it unnecessary for us to be so reserved on the subject, and to continue to wear the appearance of neglecting them. Though the government might have agreed to ransom at the lowest price admitted with any nation (as, for instance, that of the French order of Merci), they will not give anything like the price which has been lately declared to be the lowest by the captors. It remains, then, for us to see what other means are practicable for their recovery. In the meantime, it is our desire that the disbursements hitherto made for their subsistence, by the Spanish consul or others, be paid off, and that their future comfortable subsistence be provided for. As to past disbursements, I must beg the favor of you to write to Mr. Carmichael, that you are authorized to pay them off, pray him to let you know their amount, and to whom payments are due. With respect to future provision for the captives, I must put it into your hands. The impossibility of getting letters to or from Mr. Carmichael, renders it improper for us to use that channel. As to the footing on which they are to be sub-

sisted, the ration and clothing of a soldier would have been a good measure, were it possible to apply it to articles of food and clothing so extremely different as those used at Algiers. The allowance heretofore made them by the Spanish consul might perhaps furnish a better rule, as we have it from themselves, that they were then comfortably subsisted. Should you be led to correspond with them at all, it had better be with Captain O'Bryan, who is a sensible man, and whose conduct since he has been there, has been particularly meritorious. It will be better for you to avoid saying anything which may either increase or lessen their hopes of ransom. I write to our bankers, to answer your drafts for these purposes, and enclose you a duplicate to be forwarded with your first draft. The prisoners are fourteen in number; their names and qualities as follows: Richard O'Bryan and Isaac Stephens, captains; Andrew Montgomery and Alexander Forsyth, mates; Jacob Tessanier, a French passenger; William Patterson, Philip Sloan, Peleg Lorin, John Robertson, James Hall, James Cathcart, George Smith, John Gregory, James Hermel, seamen. They have been twenty-one or twenty-two.

We are in hourly expectation of hearing the event of General Scott's irruption into the Indian country, at the head of between seven and eight hundred mounted infantry. Perhaps it may yet be known in time to communicate to you by this opportunity. Our bank was filled with subscriptions the moment

it was opened. Eight millions of dollars were the whole permitted to be subscribed, of which two millions were deposited in cash, the residue to be public paper. Every other symptom is equally favorable to our credit.

The President has returned from his southern tour in good health. You will receive herewith the newspapers up to the present date. I have the honor to be, with great esteem, dear Sir, your most obedient, and most humble servant.

TO JOHN ADAMS.

PHILADELPHIA, July 17, 1791.

DEAR SIR,—I have a dozen times taken up my pen to write to you, and as often laid it down again, suspended between opposing considerations. I determine, however, to write from a conviction that truth, between candid minds, can never do harm. The first of Paine's pamphlets on the rights of man, which came to hand here, belonged to Mr. Beckley. He lent it to Mr. Madison, who lent it to me; and while I was reading it, Mr. Beckley called on me for it, and, as I had not finished it, he desired me, as soon as I should have done so, to send it to Mr. Jonathan B. Smith, whose brother meant to reprint it. I finished reading it, and, as I had no acquaintance with Mr. Jonathan B. Smith, propriety required that I should explain to him why I, a stranger to him, sent him the pamphlet. I accordingly wrote a note of compli-

ment, informing him that I did it at the desire of Mr. Beckley, and, to take off a little of the dryness of the note, I added that I was glad it was to be reprinted here, and that something was to be publicly said against the political heresies which had sprung up among us, etc. I thought so little of this note, that I did not even keep a copy of it; nor ever heard a tittle more of it, till, the week following, I was thunderstruck with seeing it come out at the head of the pamphlet. I hoped, however, it would not attract notice. But I found, on my return from a journey of a month, that a writer came forward, under the signature of Publicola, attacking not only the author and principles of the pamphlet, but myself as its sponsor, by name. Soon after came hosts of other writers, defending the pamphlet, and attacking you, by name, as the writer of Publicola. Thus were our names thrown on the public stage as public antagonists. That you and I differ in our ideas of the best form of government, is well known to us both; but we have differed as friends should do, respecting the purity of each other's motives, and confining our difference of opinion to private conversation. And I can declare with truth, in the presence of the Almighty, that nothing was further from my intention or expectation than to have either my own or your name brought before the public on this occasion. The friendship and confidence which has so long existed between us, required this explanation from me, and I know you too well to fear any miscon-

struction of the motives of it. Some people here, who would wish me to be, or to be thought, guilty of improprieties, have suggested that I was Agricola, that I was Brutus, etc., etc. I never did in my life, either by myself or by any other, have a sentence of mine inserted in a newspaper without putting my name to it; and I believe I never shall.

While the Empress is refusing peace under a mediation, unless Ocrakow and its territory be ceded to her, she is offering peace on the perfect statu quo to the Porte, if they will conclude it without a mediation. France has struck a severe blow at our navigation, by a difference of duty on tobacco carried in our and their ships, and by taking from foreign-built ships the capability of naturalization. She has placed our whale oil on rather a better footing than ever, by consolidating the duties into a single one of six livres. They amounted before to some sous over that sum. I am told (I know not how truly), that England has prohibited our spermaceti oil altogether, and will prohibit our wheat till the price there is fifty-two shillings the quarter, which it almost never is. We expect hourly to hear the true event of General Scott's expedition. Reports give favorable hopes of it. Be so good as to present my respectful compliments to Mrs. Adams, and to accept assurances of the sentiments of sincere esteem and respect with which I am, dear Sir, your friend and servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, July 26, 1791.

DEAR SIR,—Your favors of February the 26th, and March the 16th, have been duly received. The conferences which you held last with the British minister needed no apology. At the time of writing my letter desiring that communications with them might cease, it was supposed possible that some might take place before it would be received. They proved to be such as not to vary the opinion formed, and, indeed, the result of the whole is what was to have been expected from known circumstances. Yet the essay was perhaps necessary to justify, as well as induce, the measures proper for the protection of our commerce. The first remittance of a thousand dollars to you, was made without the aid of any facts which could enable the government to judge, what sum might be an indemnification for the interference of the business referred to you, with your private pursuits. Your letter of February the 26th furnishing grounds for correcting the first judgment, I now enclose you a bill on our bankers in Holland for another sum of a thousand dollars. In the original remittance, as in this supplement to it, there has been no view but to do what is right between the public and those who serve them.

Though no authentic account is yet received, we learn through private channels that General Scott has returned from a successful expedition against the

Indians; having killed about thirty warriors, taken fifty odd women and children prisoners, and destroyed two or three villages, without the loss of a man, except three, drowned by accident. A similar expedition was to follow immediately after the first, while preparations are making for measures of more permanent effect; so that we hope this summer to bring the Indians to accept of a just and general peace, on which nothing will be asked of them but their peace.

The crops of wheat in the United States are rather abundant, and the quality good. Those of tobacco are not promising as yet. I have heard nothing of the rice crops.

I am, with very great esteem, dear Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, July 28, 1791.

DEAR SIR,—Since my last I have received letters from you as follows:

* * * * * * * *

Mine to you, unacknowledged, were of March the 8th, 12th, 15th, 19th, April the 25th, and May the 10th. Your two last letters mention the length of time you have been without intelligence, having then received mine of January the 23d only. You will perceive by the above, that six letters of a later date were on their way to you. The receipt of these, with

the newspapers, journals, laws, and other printed papers accompanying them, will have relieved your anxiety, by answering several articles of your former letters, and opening to you some new and important matters. I scarcely ever miss the opportunity of a private vessel going from hence or New York to any port of France, without writing to you and sending you the newspapers, etc. In the winter, occasions are very rare, this port, particularly, being blocked up with ice. The reason of so long an interval between the last and present letter, has been the journey of a month, which that informed you I was about to take. This is the first vessel which has offered since my return; she is bound to Havre, and will carry the newspapers as usual.

The difference of sixty-two livres ten sols the hogshead, established by the National Assembly on tobacco brought in their and our ships, is such an act of hostility against our navigation, as was not to have been expected from the friendship of that nation. It is as new in its nature as extravagant in its degree; since it is unexampled, that any nation has endeavored to wrest from another the carriage of its own produce, except in the case of their colonies. The British navigation act, so much and so justly complained of, leaves to all nations the carriage of their own commodities free. This measure, too, is calculated expressly to take our own carriage from us and give the equivalent to other nations: for it is well known, that the shipping of France is not equal

to the carriage of their whole commerce; but the freight in other branches of navigation being on an equal footing with only forty livres the hogshead, in ours, and this new arrangement giving them sixty-two livres ten sols the hogshead, in addition to their freight, that is to say, one hundred and two livres ten sols, instead of forty livres, their vessels will leave every other branch of business to fill up this. They will consequently leave a void in those other branches. which will be occupied by English, Dutch, and Swedes, on the spot. They complain of our tonnage duty; but it is because it is not understood. In the ports of France, we pay fees for anchorage, buoys and beacons, fees to measurers, weighers, and gaugers, and in some countries, for light-houses. We have thought it better that the public here should pay all these, and reimburse itself by a consolidation of them into one fee, proportioned to the tonnage of the vessel, and therefore called by that name. They complain that the foreign tonnage is higher than the domestic. If this complaint had come from the English, it would not have been wonderful, because the foreign tonnage operates really as a tax on their commerce, which, under this name, is found to pay sixteen dollars and fifty cents for every dollar paid by France. It was not conceived, that the latter would have complained of a measure calculated to operate so unequally on her rival, and I still suppose she would not complain, if the thing were well understood. The refusing to our vessels the faculty of

becoming national bottoms, on sale to their citizens, was never before done by any nation but England. I cannot help hoping that these were wanderings of a moment, founded in misinformation, which reflection will have corrected before you receive this.

Whenever jealousies are expressed as to any supposed views of ours, on the dominion of the West Indies, you cannot go farther than the truth, in asserting we have none. If there be one principle more deeply rooted than any other in the mind of every American, it is, that we should have nothing to do with conquest. As to commerce, indeed, we have strong sensations. In casting our eyes over the earth, we see no instance of a nation forbidden, as we are, by foreign powers, to deal with neighbors, and obliged, with them, to carry into another hemisphere, the mutual supplies necessary to relieve mutual wants. This is not merely a question between the foreign power and our neighbor. We are interested in it equally with the latter, and nothing but moderation, at least with respect to us, can render us indifferent to its continuance. An exchange of surplusses and wants between neighbor nations, is both a right and a duty under the moral law, and measures against right should be mollified in their exercise, if it be wished to lengthen them to the greatest term possible. Circumstances sometimes require, that rights the most unquestionable should be advanced with delicacy. It would seem that the one now spoken of, would need only a men-

tion, to be assented to by any unprejudiced mind: but with respect to America, Europeans in general, have been too long in the habit of confounding force with right. The Marquis de La Fayette stands in such a relation between the two countries, that I should think him perfectly capable of seeing what is just as to both. Perhaps on some occasion of free conversation, you might find an opportunity of impressing these truths on his mind, and that from him, they might be let out at a proper moment as matters meriting consideration and weight, when they shall be engaged in the work of forming a constitution for our neighbors. In policy, if not in justice, they should be disposed to avoid oppression, which, falling on us, as well as on their colonies, might tempt us to act together.[1]

The element of measure adopted by the National Assembly excludes, *ipso facto*, every nation on earth from a communion of measure with them; for they acknowledge themselves, that a due portion for admeasurement of a meridian crossing the forty-fifth degree of latitude, and terminating at both ends in the same level, can be found in no other country on earth but theirs. It would follow then, that other nations must trust to their admeasurement, or send persons into their country to make it themselves, not only in the first instance, but whenever afterwards they may wish to verify their measures. In-

[1] This paragraph was in cypher, but an explication of it preserved with the copy.

stead of concurring, then, in a measure which, like the pendulum, may be found in every point of the forty-fifth degree, and through both hemispheres, and consequently in all the countries of the earth lying under that parallel, either northern or southern, they adopt one which can be found but in a single point of the northern parallel, and consequently only in one country, and that country is theirs.

I left with you a statement of the case of Schweighauser and Dobrée, with the original vouchers on which it depends. From these you will have known, that being authorized by Congress to settle this matter, I began by offering to them an arbitration before honest and judicious men of a neutral nation. They declined this, and had the modesty to propose an arbitration before *merchants of their own town*. I gave them warning then, that as the offer on the part of a sovereign nation to submit to a private arbitration was an unusual condescendence, if they did not accept it then, it would not be repeated, and that the United States would judge the case for themselves hereafter. They continued to decline it, and the case now stands thus. The territorial judge of France has undertaken to call the United States to his jurisdiction, and has arrested their property, in order to enforce appearance, and possess himself of a matter whereon to found a decree; but no court can have jurisdiction over a sovereign nation. This position was agreed to; but it was urged, that some act of Mr. Barclay's had admitted the jurisdiction.

It was denied that there had been any such act by Mr. Barclay, and disavowed, if there was one, as without authority from the United States, the property on which the arrest was made, having been purchased by Dr. Franklin, and remaining in his possession till taken out of it by the arrest. On this disavowal, it was agreed that there could be no further contest, and I received assurance that the property should be withdrawn from the possession of the court by an evocation of the cause before the King's Council, on which, without other proceedings, it should be delivered to the United States. Applications were repeated as often as dignity or even decency would permit; but it was never done. Thus the matter rests, and thus it is meant it should rest. No answer of any kind is to be given to Schweighauser and Dobrée. If they think proper to apply to their sovereign, I presume there will be a communication either through you or their representative here, and we shall have no difficulty to show the character of the treatment we have experienced.

I will observe for your information, that the sustenance of our captives at Algiers is committed to Colonel Humphreys.

You will be so kind as to remember, that your public account from the 1st day of July, 1790, to the last of June, 1791, inclusive, is desired before the meeting of Congress, that I may be able to lay before them the general account of the foreign fund for that year.

General Scott has returned from a successful expedition against the northern Indians, having killed thirty-two warriors, taken fifty-eight women and children prisoners, and destroyed three towns and villages, with a great deal of corn in grain and growth. A similar expedition was to follow immediately, while preparation is making for measures of more permanent effect; so that we may reasonably hope the Indians will be induced to accept of peace which is all we desire.

Our funds have risen nearly to par. The eight millions for the bank was subscribed as fast as it could be written, and that stock is now above par. Our crops of wheat have been rather abundant, and of excellent quality. Those of tobacco are not very promising as yet. The census is not yet completed, but from what we hear, we may expect our whole numbers will be nearer four than three millions. I enclose a sketch of the numbers as far as we yet know them.

I am, with great and sincere esteem, dear Sir, your sincere friend and servant.

TO THOMAS PAINE.

PHILADELPHIA, July 29, 1791.

DEAR SIR,—Your favor of Sept. 28th, 1790, did not come to my hands till Feb. 11th, and I have not answered it sooner because it said you would be here in the spring. That expectation being past, I now

acknowledge the receipt. Indeed I am glad you did not come away till you had written your "Rights of Man." That has been much read here with avidity and pleasure. A writer under the signature of Publicola has attacked it. A host of champions entered the arena immediately in your defence. The discussion excited the public attention, recalled it to the "Defence of the American constitutions" and the "Discourses on Davila," which it had kindly passed over without censure in the moment, and very general expressions of their sense have been now drawn forth; and I thank God that they appear firm in their republicanism, notwithstanding the contrary hopes and assertions of a sect here, high in name but small in numbers. These had flattered themselves that the silence of the people under the "Defence" and "Davila" was a symptom of their conversion to the doctrine of king, lords, and commons. They are checked at least by your pamphlet, and the people confirmed in their good old faith.

Your observations on the subject of a copper coinage has satisfied my mind on that subject, which I confess had wavered before between difficulties. As a different plan is under consideration of Congress, and will be taken up at their meeting, I think to watch the proper moment, and publish your observations (except the notes which contain facts relative to particular persons, which I presume you would dislike to see published, and which are not necessary to establish the main object), adding your name,

because it will attract attention and give weight to the publication. As this cannot take place under four months, there is time for you to forbid me, if it should be disagreeable to you to have the observations published, which, however, I hope it will not be.

General Scott has just returned from a successful expedition against the Indians, having killed thirty-two warriors, and taken fifty-eight women and children, and burnt several towns. I hope they will now consent to peace, which is all we ask. Our funds are near par; the crops of wheat remarkably fine; and a great degree of general prosperity arising from four years successive of plentiful crops, a great diffusion of domestic manufacture, a return to economy, and a reasonable faith in the new government. I shall be happy to hear from you, and still more to see you, being with great, and sincere esteem, dear Sir, your friend and servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, July 30, 1791.

SIR,—I have the honor to enclose for your perusal, a letter which I have prepared for Mr. Short.

The ill humor into which the French colonies are getting, and the little dependence on the troops sent thither, may produce a hesitation in the National Assembly as to the conditions they will impose in their constitution. In a moment of hesitation, small matters may influence their decision. They may see

the impolicy of insisting on particular conditions, which, operating as grievances on us, as well as on their colonists, might produce a concert of action. I have thought it would not be amiss to trust to Mr. Short the sentiments in the cyphered part of the letter, leaving him to govern himself by circumstances, whether to let them leak out at all or not, and whether so as that it may be known or remain unknown that they come from us. A perfect knowledge of his judgment and discretion leaves me entirely satisfied, that they will be not used, or so used as events shall render proper. But if you think that the possibility that harm may be done, overweighs the chance of good, I would expunge them, as, in cases of doubt, it is better to say too little than too much.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO GENERAL KNOX.

PHILADELPHIA, August 10, 1791.

DEAR SIR,—I have now the honor to return you the petition of Mr. Moultrie on behalf of the South Carolina Yazoo company. Without noticing that some of the highest functions of sovereignty are assumed in the very papers which he annexes as his justification, I am of opinion that government should firmly maintain this ground; that the Indians have

a right to the occupation of their lands, independent of the States within whose chartered lines they happen to be; that until they cede them by treaty or other transaction equivalent to a treaty, no act of a State can give a right to such lands; that neither under the present constitution, nor the ancient confederation, had any State or person a right to treat with the Indians, without the consent of the General Government; that that consent has never been given to any treaty for the cession of the lands in question; that the government is determined to exert all its energy for the patronage and protection of the rights of the Indians, and the preservation of peace between the United States and them; and that if any settlements are made on lands not ceded by them, *without the previous consent of the United States*, the government will think itself bound, not only to declare to the Indians that such settlements are without the authority or protection of the United States, but to remove them also by the public force.

It is in compliance with your request, my dear Sir, that I submit these ideas to you, to whom it belongs to give place to them, or such others as your better judgment shall prefer, in answer to Mr. Moultrie.

I have the honor to be, with sentiments of the most sincere and respectful esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL HARVIE.

PHILADELPHIA, August 14, 1791.

DEAR SIR,—Being charged with the preparation of a statement to Congress of all their lands north of the Ohio, it becomes necessary for me to know what quantity of lands was assigned to the Virginia Continental line on the south side of the Ohio, say on the Cumberland, in satisfaction of their claims of bounty lands against the Continent. If I can by any means come at this quantity, by deducting it from the sum total of bounty lands given to all the lines, which sum total I know, the residue will be exactly what the army is entitled to on the north side of the Ohio. I am in hopes your office can furnish me with this information, and am to ask the favor of you to have it inquired into. All I wish is the *sum total* in lots located by the Virginia *Continental line* south of the Ohio. I suppose your office cannot inform me what was located for the same line north of the Ohio, and therefore I do not ask it. The fees of office for these researches, be so good as to inform me of, and they shall be remitted you. As your answer cannot be here before my departure for Virginia, I shall be glad to receive it there. If your office cannot furnish the information, and you know where it may be obtained, I shall consider it as a singular favor, if you will be so good as to put it for me at once into its right channel. I am, with great esteem, dear Sir, your sincere friend and humble servant.

TO WILLIAM CARMICHAEL.

PHILADELPHIA, August 24, 1791.

SIR,—Your letter of January 24, is still the only one received from you within the period so often mentioned. Mine to you of the present year have been of March 12 and 17, April 11, May 16, and June 23. I have lately preferred sending my letters for you to Colonel Humphreys, in hopes he might find means of conveying them to you. The subjects of those of the 12th and 17th of March are still pressed on you, and especially the first, the great object of which cannot be delayed without consequences which both nations should deprecate.

Mr. Iandenes arrived here some time ago, and has been received as joint commissioner with Mr. Viar. The concurring interests of Spain and this country certainly require the presence of able and discreet ministers.

The crop of wheat of the present year has surpassed all expectation as to quantity, and is of fine quality. Other articles of agriculture will differ more by an extraordinary drought.

I enclose you a copy of our census, which, so far as it is written in black ink, is founded on actual returns, what is in red ink being conjectured, but very near the truth. Making very small allowance for omissions, which we know to have been very great, we may safely say we are above four millions.

Our first expedition against the Indians, under General Scott, has been completely successful; he having killed thirty odd, taken fifty odd, and burnt their towns. A second expedition against them has commenced, and we expect daily the result.

The public credit continues firm. The domestic debt funded at six per cent., is twelve and a half per cent. above par. A spirit, however, of gambling in our public paper has seized on too many of our citizens, and we fear it will check our commerce, arts, manufactures, and agriculture, unless stopped.

Newspapers for you accompany this, addressed to the care of Colonel Humphreys.

I am, with great esteem, Sir, your most obedient, and most humble servant.

TO SIR JOHN SINCLAIR.

PHILADELPHIA, August 24, 1791.

DEAR SIR,—I am to acknowledge the receipt of your two favors of December 25 and May 14, with the pamphlets which accompanied them, and to return you my thanks for them. The Corn Law, I perceive, has not passed in the form you expected. My wishes on that subject were nearer yours than you imagined. We both in fact desired the same thing for different reasons, respecting the interests of our respective countries, and therefore justifiable in both. You wished the bill so moulded as to encourage strongly your national agriculture. The

clause for warehousing foreign corn tended to lessen the confidence of the farmer in the demand for his corn. I wished the clause omitted, that our corn might pass directly to the country of the consumer, and save us the loss of an intermediate deposit, which it can illy bear. That no commercial arrangements between Great Britain and the United States have taken place, as you wish should be done, cannot be imputed to us. The proposition has surely been often enough made, perhaps too often. It is a happy circumstance in human affairs, that evils which are not cured in one way will cure themselves in some other.

We are now under the first impression of the news of the King's flight from Paris, and his re-capture. It would be unfortunate were it in the power of any one man to defeat the issue of so beautiful a revolution. I hope and trust it is not, and that, for the good of suffering humanity all over the earth, that revolution will be established and spread through the whole world.

I shall always be happy, my dear Sir, to hear of your health and happiness, being with sentiments of the most cordial esteem and respect, dear Sir, your most obedient humble servant.

TO EDWARD RUTLEDGE, ESQ.

PHILADELPHIA, August 25, 1791.

MY DEAR SIR,—I have received your favor of the 7th, by Mr. Harper, and that also by Mr. Butler. I thank you for both, and shall duly respect both. I find by the last that, not your letter on the subject of British commerce, but mine in answer to it, has miscarried. Yours was dated June 20, 1790, was received July 2, and answered July 4. I send you a copy of the answer, which will read now like an old almanac; but it will show you I am incapable of neglecting anything which comes from you. The measures therein spoken of as in contemplation, for the purpose of bringing Great Britain to reason, vanished in a reference of the subject to me to report on our commerce and navigation generally, to the next session of Congress. I have little hope that the result will be anything more than to turn the left cheek to him who has smitten the right. We have to encounter not only the prejudices in favor of England, but those against the Eastern States, whose ships, in the opinion of some, will overrun our land. I have been sorry to see that your State has been over-jealous of the measures proposed on this subject, and which really tend to relieve them from the effects of British broils. I wish you may be able to convert Mr. Barnwell, because you think him worth converting. Whether you do or not, your opinion of him will make me solicitous for his

acquaintance, because I love the good, and respect freedom of opinion. What do you think of this scrippomony? Ships are lying idle at the wharfs, buildings are stopped, capitals withdrawn from commerce, manufactures, arts, and agriculture to be employed in gambling, and the tide of public prosperity almost unparalleled in any country is arrested in its course, and suppressed by the rage of getting rich in a day. No mortal can tell where this will stop; for the spirit of gaming, when once it has seized a subject, is incurable. The tailor who has made thousands in one day, though he has lost them the next, can never again be content with the slow and moderate earnings of his needle. Nothing can exceed the public felicity, if our papers are to be believed, because our papers are under the orders of our scripmen. I imagine, however, we shall hear that all the cash has quitted the extremities of the nation, and accumulated here. That produce and property fall to half price there, and the same things rise to double price here. That the cash accumulated and stagnated here, as soon as the bank paper gets out, will find its vent into foreign countries, and instead of this solid medium, which we might have kept for nothing, we shall have a paper one, for the use of which we are to pay these gamesters fifteen per cent. per annum, as they say.

Would to God yourself, General Pinckney and Major Pinckney, would come forward and aid us

with your efforts. You are all known, respected, wished for; but you refuse yourselves to everything. What is to become of us, my dear friend, if the vine and the fig tree withdraw, and leave us to the bramble and thorn?

You will have heard before this reaches you, of the peril into which the French revolution is brought by the flight of their King. Such are the fruits of that form of government, which heaps importance on idiots, and of which the Tories of the present day are trying to preach into our favor. I still hope the French revolution will issue happily. I feel that the permanence of our own, leans in some degree on that; and that a failure there would be a powerful argument to prove there must be a failure here. We have been told that a British minister would be sent out to us this summer. I suspect this depends on the event of peace or war. In the latter case, they will probably send one; but they have no serious view of treating or fulfilling treaties. Adieu, my dear Sir. Yours affectionately.

TO MESSRS. JOHNSON, STUART, AND CARROLL.

PHILADELPHIA, August 28, 1791.

GENTLEMEN,—Your joint letter of the 2d instant to the President, as also Mr. Carroll's separate letters of the 5th and 15th, have been duly received. Major L'Enfant also having arrived here and laid his plan

of the Federal City before the President, he was pleased to desire a conference of certain persons, in his presence, on these several subjects. It is the opinion of the President, in consequence thereof, that an immediate meeting of the Commissioners at Georgetown is requisite; that certain measures may be decided on, and put into a course of preparation for a commencement of sale on the 17th of October, as advertised. As Mr. Madison and myself, who were present at the conference, propose to pass through Georgetown on our way to Virginia, the President supposes that our attendance at the meeting of the Commissioners might be of service to them, as we could communicate to them the sentiments developed at the conferences here and approved by the President, under whatever point of view they may have occasion to know them. The circumstances of time and distance oblige me to take the liberty of proposing the day of meeting, and to say that we will be in Georgetown on the evening of the 7th or morning of the 8th of the next month, in time to attend any meeting of the Commissioners on that day, and in hopes they may be able, in the course of it, to make all the use of us they may think proper, so that we may pursue our journey the next day. To that meeting, therefore, the answers to the several letters before mentioned are referred.

This letter is addressed to Mr. Carroll only, with a requisition to the Postmaster at Georgetown to

send it to him by express, under the hope that it will, by expresses to the other gentlemen, take timely measures for the proposed meeting on the 8th.

I have the honor to be, with sentiments of the highest respect and esteem, Gentlemen, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, August 29, 1791.

DEAR SIR,—I am to acknowledge the receipt of your No. 67, June the 6th, No. 68, June the 10th, No. 69, June the 22d, No. 70, June the 26th, No. 71, June the 29th; the three last by the British packet. My last to you was of July the 28th, by a vessel bound to Havre. This goes to the same port, because accompanied by newspapers. It will be the last I shall write you these two months, as I am to set out for Virginia the next week. I now enclose you a copy of my letter of March the 12th, to Mr. Carmichael, which you say was not in that of the same date to you. There was no paper to accompany it but St. Marie's which you say you received. I enclose you also a copy of our census, written in black ink, so far as we have actual returns, and supplied by conjecture in red ink, where we have no returns; but the conjectures are known to be very near the truth. Making very small allowance for omissions, which we know to have been very great, we are certainly above four millions, probably about four millions one hundred thousand.

There is a vessel now lying at Philadelphia, advertising to receive emigrants to Louisiana, gratis, on account of the Spanish government. Be so good as to mention this to M. de Montmorin, who will be a judge what we must feel under so impudent a transaction.

You observe, that if Drost does not come, you have not been authorized to engage another coiner. If he does not come, there will probably be one engaged here. If he comes, I should think him a safe hand to send the diplomatic dye by, as also all the dyes of our medal, which may be used here for striking off what shall be wanting hereafter. But I would not have them trusted at sea, but from April to October inclusive. Should you not send them by Drost, Havre will be the best route. I have not spoken with the Secretary of the Treasury yet, on the subject of the presses, but believe you may safely consider two presses as sufficient for us, and agree for no more without a further request.

The decree of the National Assembly, relative to tobacco carried in French or American ships, is likely to have such an effect in our ports, as to render it impossible to conjecture what may or may not be done. It is impossible to let it go on without a vigorous correction. If that should be administered on our part, it will produce irritation on both sides, and lessen that disposition which we feel cordially to concur in a treaty, which shall melt the two nations as to commercial matters into one, as nearly

as possible. It is extremely desirable, that the National Assembly should themselves correct the decree, by a repeal founded on the expectation of an arrangement.

We have, as yet, no news of the event of our second expedition against the Indians.

I am, with great and sincere esteem, dear Sir, your friend and servant.

TO MONSIEUR LA MOTTE.

PHILADELPHIA, August 30, 1791.

SIR,—I am now to acknowledge the receipt of your favors of February the 9th, March the 25th, and April the 24th; as also of the several packages of wine, carriages, etc., which came safe to hand, and for your care of which be pleased to accept my thanks.

I am sensible of the difficulties to which our consuls are exposed by the applications of sailors, calling themselves Americans. Though the difference of dialect between the Irish and Scotch, and the Americans, is sensible to the ear of a native, it is not to that of a foreigner, however well he understands the language; and between the American and English (unless of particular provinces) there is no difference sensible even to a native. Among hundreds of applications to me, at Paris, nine-tenths were Irish, whom I readily discovered. The residue, I think, were English; and I believe not a single

instance of a Scotchman or American. The sobriety and order of the two last, preserve them from want. You will find it necessary, therefore, to be extremely on your guard against these applications. The bill of expenses for Huls is much beyond those aids which I should think myself authorized to have advanced habitually, until the law shall make express provision for that purpose. I must, therefore, recommend to you, to hazard only small sums in future, until our legislature shall lay down more precise rules for my government.

The difference of duty on tobacco carried to France in French and American bottoms, has excited great uneasiness. We presume the National Assembly must have been hurried into the measure, without being allowed time to reflect on its consequences. A moment's consideration must convince anybody, that no nation upon earth ever submitted to so enormous an assault on the transportation of their own produce. Retaliation, to be equal, will have the air of extreme severity and hostility. Such would be an *additional tonnage* of twelve livres ten sous the ton burthen, on all *French* ships entering our ports. Yet this would but exactly balance an *additional duty* of six livres five sous the hogshead of tobacco, brought in *American ships* entering in the ports of France. I hope, either that the National Assembly will repeal the measure, or the proposed treaty be so hastened, as to get this matter out of the way before it shall be necessary for the ensuing

legislature to act on it. Their measure, and our retaliation on it, which is unavoidable, will very illy prepare the minds of both parties for a liberal treaty. My confidence in the friendly dispositions of the National Assembly, and in the sincerity of what they have expressed on the subject, induce me to impute it to surprise altogether, and to hope it will be repealed before time shall be given to take it up here.

I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, August 30, 1791.

DEAR SIR,—My letter of July the 26th covered my first of exchange for a thousand dollars, and though that went by so sure an opportunity as to leave little doubt of its receipt, yet, for greater security, I enclose a second.

The tranquillity of our country leaves us nothing to relate, which may interest a mind surrounded by such buoyant scenes as yours. No matter; I will still tell you the charming though homespun news, that our crops of wheat have been abundant and of superior quality; that very great though partial drought has destroyed the crops of hay to the north, and corn to the south; that the late rains may recover the tobacco to a middling crop, and that the fields of rice are promising.

I informed you in my last, of the success of our first expedition against the Indians. A second has gone against them, the result of which is not yet known. Our public credit is good, but the abundance of paper has produced a spirit of gambling in the funds, which has laid up our ships at the wharves, as too slow instruments of profit, and has even disarmed the hand of the tailor of his needle and thimble. They say the evil will cure itself. I wish it may; but I have rarely seen a gamester cured, even by the disasters of his vocation. Some new indications of the ideas with which the British cabinet are coming into treaty, confirm your opinions, which I know to be right, but the Anglomany of some would not permit them to accede to.

Adieu, my dear Sir. Your affectionate humble servant.

TO BENJAMIN BANNEKER.

PHILADELPHIA, August 30, 1791.

SIR,—I thank you sincerely for your letter of the 19th instant, and for the Almanac it contained. Nobody wishes more than I do to see such proofs as you exhibit, that nature has given to our black brethren, talents equal to those of the other colors of men, and that the appearance of a want of them is owing merely to the degraded condition of their existence, both in Africa and America. I can add

with truth, that nobody wishes more ardently to see a good system commenced for raising the condition both of their body and mind to what it ought to be, as fast as the imbecility of their present existence, and other circumstances which cannot be neglected, will admit. I have taken the liberty of sending your Almanac to Monsieur de Condorcet, Secretary of the Academy of Sciences at Paris, and member of the Philanthropic Society, because I considered it as a document to which your color had a right for their justification against the doubts which have been entertained of them. I am, with great esteem, Sir, your most obedient humble servant.

TO JOHN ADAMS.

PHILADELPHIA, August 30, 1791.

MY DEAR SIR,—I received some time ago your favor of July 29, and was happy to find that you saw in its true point of view the way in which I had been drawn into the scene, which must have been so disagreeable to you. The importance which you still seem to allow to my note, and the effect you suppose it to have had, though unintentional in me, induces me to show you that it really had no effect. Paine's pamphlet, with my note, was published here about the second week in May. Not a word ever appeared in the public papers here on the subject for more than a month; and I am certain

not a word on the subject would ever have been said, had not a writer, under the name of Publicola, at length undertaken to attack Mr. Paine's principles, which were the principles of the citizens of the United States. Instantly a host of writers attacked Publicola in support of those principles. He had thought proper to misconstrue a figurative expression in my note; and these writers so far noticed me as to place the expression in its true light. But this was only an incidental skirmish preliminary to the general engagement, and they would not have thought me worth naming, had not he thought proper to bring me on the scene. His antagonists, very criminally, in my opinion, presumed you to be Publicola, and on that presumption hazarded a personal attack on you. No person saw with more uneasiness than I did, this unjustifiable assault; and the more so, when I saw it continued after the printer had declared you were not the author. But you will perceive from all this, my dear Sir, that my note contributed nothing to the production of these disagreeable pieces. As long as Paine's pamphlet stood on its own feet and on my note, it was unnoticed. As soon as Publicola attacked Paine, swarms appeared in his defence. To Publicola, then, and not in the least degree to my note, this whole contest is to be ascribed and all its consequences.

You speak of the execrable paragraph in the Connecticut papers. This, it is true, appeared before

Publicola; but it had no more relation to Paine's pamphlet and my note, than to the Alcoran. I am satisfied the writer of it had never seen either; for when I passed through Connecticut about the middle of June, not a copy had ever been seen by anybody, either in Hartford or New Haven, nor probably in that whole State; and that paragraph was so notoriously the reverse of the disinterestedness of character which you are known to possess by everybody who knows your name, that I never heard a person speak of the paragraph, but with an indignation in your behalf which did you entire justice. This paragraph, then, certainly did not flow from my note, any more than the publications which Publicola produced. Indeed it was impossible that my note should occasion your name to be brought into question; for so far from naming you, I had not even in view any writing which I might suppose to be yours, and the opinions I alluded to were principally those I had heard in common conversation from a sect aiming at the subversion of the present government to bring in their favorite form of a king, lords and commons.

Thus I hope, my dear Sir, that you will see me to have been as ignorant *in effect* as I was in intention. I was brought before the public without my own consent, and from the first moment of seeing the effect of the real aggression in this business to keep me before the public, I determined that nothing should induce me to put pen to paper in the contro-

versy. The business is now over, and I hope its effects are over, and that our friendship will never be suffered to be committed, whatever use others may think proper to make of our names.

The event of the King's flight from Paris and his recapture, will have struck you with its importance. It appears, I think, that the nation is firm within, and it only remains to see whether there will be any movement from without. I confess I have not changed my confidence in the favorable issue of that revolution, because it has always rested on my own ocular evidence of the unanimity of the nation, and wisdom of the patriotic party in the National Assembly. The last advices render it probable that the Emperor will recommence hostilities against the Porte. It remains to see whether England and Prussia will take a part. Present me to Mrs. Adams with all the affections I feel for her, and be assured of those devoted to yourself by, my dear Sir, your sincere friend and servant.

TO ADMIRAL PAUL JONES.

PHILADELPHIA, August 31, 1791.

DEAR SIR,—I am to acknowledge the receipt of your favor of March 20th, with the several papers it enclosed, which were duly communicated to the President. No proof was necessary to satisfy us here of your good conduct everywhere. In answer to your request to obtain and transmit the proper

authority of the United States for your retaining the order of St. Anne, conferred on you by the Empress, I can only say that the Executive of our Government are not authorized either to grant or refuse the permission you ask, and consequently cannot take on themselves to do it. Whether the Legislature would undertake to do it or not, I cannot say. In general, there is an aversion to meddle with anything of that kind here. And the event would be so doubtful that the Executive would not commit themselves by making the proposition to the Legislature.

Our new Constitution works well, and gives general satisfaction. Public credit is high. We have made a successful expedition against the Indians this summer, and another is gone against them, and we hope will induce them to peace. A census of our numbers, taken this summer, gives us reason to believe we are about four millions of all ages and sexes. A state of tranquil prosperity furnishing no particular and interesting events to communicate to you, I have only to add assurances of the constant esteem and attachment of, dear Sir, your most obedient humble servant.

TO MONSIEUR DE TERNANT, MINISTER PLENIPOTENTIARY OF FRANCE.

PHILADELPHIA, September 1, 1791.

SIR,—I have communicated to the President what passed between us the other day, on the subject of

the payments made to France by the United States in the *assignats* of that country, since they have lost their par with gold and silver; and after conferences, by his instruction, with the Secretary of the Treasury, I am authorized to assure you, that the Government of the United States have no idea of paying their debt in a depreciated medium, and that in the final liquidation of the payments which shall have been made, due regard will be had to an equitable allowance for the circumstance of depreciation.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THOMAS NEWTON.

GEORGETOWN, September 8, 1791.

DEAR SIR,—I was in the moment of my departure from Philadelphia, for Virginia, when I received your favor, inquiring how far the law of nations is to govern in proceedings respecting foreign consuls.

The law of nations does not of itself extend to consuls at all. They are not of the diplomatic class of characters, to which alone that law extends of right. Convention, indeed, may give it to them, and sometimes has done so; but in that case, the convention can be produced. In ours with France, it is expressly declared that consuls shall not have the privileges of that law, and we have no convention with any other nation.

Congress have had before them a bill on the subject of consuls, but have not as yet passed it. Their code then furnishes no law to govern these cases.

Consequently, *they are to be decided by the State laws alone.* Some of these, I know, have given certain privileges to consuls; and I think those of Virginia did at one time. Of the extent and continuance of those laws, you are a better judge than I am.

Independently of law, consuls are to be considered as distinguished foreigners, dignified by a commission from their sovereign, and specially recommended by him to the respect of the nation with whom they reside. They are subject to the laws of the land, indeed, precisely as other foreigners are, a convention, where there is one, making a part of the laws of the land: but if at any time, their conduct should render it necessary to assert the authority of the laws over them, the rigor of those laws should be tempered by our respect for their sovereign, as far as the case will admit. This moderate and respectful treatment towards foreign consuls, it is my duty to recommend and press on our citizens, because I ask it for their good towards our own consuls, from the people with whom they reside.

In what I have said, I beg leave to be understood as laying down general principles only, and not as applying them to the facts which may have arisen. Before such application, those facts should be heard from all whom they interest. You, who have so

heard them, will be able to make the application yourself, and that, not only in the present, but in future cases.

I have the honor to be, with great esteem, your most obedient humble servant.

TO GEORGE HAMMOND

October 26, 1791.

Mr. Jefferson has the honor of presenting his compliments to Mr. Hammond, of expressing his regrets that he happened to be from home when Mr. Hammond did him the honor of calling on him, and was equally unlucky in not finding him at home when he waited on him on Monday. Being informed by Mr. Bond, that Mr. Hammond is charged with a public mission to the government of the United States, relative to which some previous explanations might be proper, Mr. Jefferson has the honor to assure Mr. Hammond, he shall be ready to receive any communications and enter into explanations, formally or informally, as Mr. Hammond shall either choose, and at any time suitable to him. He recollects with pleasure his acquaintance with Mr. Hammond in Paris, and shall be happy in every opportunity of rendering him such offices and attentions as may be acceptable to him.

TO JAMES MADISON.

November 1, 1791.

In my report on Howe's case, where I state that it should go to the President, it will become a question with the House whether they shall refer it to the President themselves, or give it back to the petitioner, and let him so address it, as he ought to have done at first. I think the latter proper, 1, because it is a case belonging purely to the Executive; 2, the legislature should never show itself in a matter with a foreign nation, but where the case is very serious and they mean to commit the nation on its issue; 3, because if they indulge individuals in handing through the legislature their applications to the Executive, all applicants will be glad to avail themselves of the weight of so powerful a solicitor. Similar attempts have been repeatedly made by individuals to get the President to hand in their petitions to the legislature, which he has constantly refused. It seems proper that every person should address himself directly to the department to which the Constitution has allotted his case; and that the proper answer to such from any other department is, "that it is not to us that the Constitution has assigned the transaction of this business." I suggest these things to you, that they may appear to you to be right this kind of business may in the first instance be turned into its proper channel.

TO THE PRESIDENT OF THE UNITED STATES.

November 6, 1791.

SIR,—I have the honor to enclose you the draught of a letter to Governor Pinckney, and to observe, that I suppose it to be proper that there should, on fit occasions, be a direct correspondence between the President of the United States and the Governors of the States; and that it will probably be grateful to them to receive from the President, answers to the letters they address to him. The correspondence with them on ordinary business, may still be kept up by the Secretary of State, in his own name.

I enclose also a letter to Major Pinckney, with a blank to be filled up, when you shall have made up your mind on it. I have conferred with Mr. M. on the idea of the commissioners of the federal town proceeding to make private sales of the lots, and he thinks it advisable. I cannot but repeat, that if the surveyors will begin on the river, laying off the lots from Rock Creek to the Eastern Branch, and go on abreast, in that way, from the river towards the back part of the town, they may pass the avenue from the President's house to the capitol, before the spring; and as soon as they shall have passed it, a public sale may take place, without injustice to either the Georgetown or Carrollsburg interest. Will not the present afford you a proper

occasion of assuring the commissioners, that you leave everything respecting L'Enfant to them?

I have the honor to be, with the most sincere respect, Sir, your most obedient humble servant.

TO MAJOR THOMAS PINCKNEY.

PHILADELPHIA, November 6, 1791.

SIR,—The mission of a Minister Plenipotentiary to the court of London being now to take place, the President of the United States is desirous of availing the public of your services in that office. I have it in charge, therefore, from him, to ask whether it will be agreeable that he should nominate you for that purpose to the Senate. We know that higher motives will alone influence your mind in the acceptance of this charge. Yet it is proper, at the same time, to inform you, that as a provision for your expenses in the exercise of it, an outfit of nine thousand dollars is allowed, and an annual salary to the same amount, payable quarterly. On receiving your permission, the necessary orders for these sums, together with your credentials, shall be forwarded to you, and it would be expected that you should proceed on the mission as soon as you can have made those arrangements for your private affairs, which such an absence may render indispensable. Let me only ask the favor of you to give me an immediate answer, and by duplicate, by sea and post, that we may have the benefit of both

chances for receiving it as early as possible. Though I have not the honor of a personal acquaintance with you, yet I beg you to be assured, that I feel all that anxiety for your entrance on this important mission, which a thorough conviction of your fitness for it can inspire; and that in its relations with my office, I shall always endeavor to render it as agreeable to you as possible.

I have the honor to be, with sentiments of the highest respect and esteem, Sir, your most obedient humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, November 7, 1791.

SIR,—I have duly considered the letter you were pleased to refer to me, of the 18th of August, from his Excellency Governor Pinckney to yourself, together with the draught of one proposed to be written by him to the Governor of Florida, claiming the re-delivery of certain fugitives from justice, who have been received in that country. The inconveniences of such a receptacle for debtors and malefactors in the neighborhood of the southern States, are obvious and great, and I wish the remedy were as certain and short as the latter seems to suppose.

The delivery of fugitives from one country to another, as practised by several nations, is in consequence of conventions settled between them, defin-

ing precisely the cases wherein such deliveries shall take place. I know that such conventions exist between France and Spain, France and Sardinia, France and Germany, France and the United Netherlands; between the several sovereigns constituting the Germanic body, and, I believe, very generally between co-terminous States on the continent of Europe. England has no such convention with any nation, and their laws have given no power to their executive to surrender fugitives of any description; they are, accordingly, constantly refused, and hence England has been the asylum of the Paolis, the La Mottes, the Calonnes, in short, of the most atrocious offenders as well as the most innocent victims, who have been able to get there.

The laws of the United States, like those of England, receive every fugitive, and no authority has been given to our executives to deliver them up. In the case of Longchamp, a subject of France, a formal demand was made by the minister of France, and was refused. He had, indeed, committed an offence within the United States; but he was not demanded as a criminal but as a subject.

The French Government has shown great anxiety to have such a convention with the United States, as might authorize them to command their subjects coming here; they got a clause in the consular convention signed by Dr. Franklin and the Count de Vergennes, giving their consuls a right to take and send back captains of vessels, mariners and *passen-*

gers. Congress saw the extent of the word *passengers*, and refused to ratify the convention; a new one was therefore formed, omitting that word. In fact, however desirable it be that the perpetrators of crimes, acknowledged to be such by all mankind, should be delivered up to punishment, yet it is extremely difficult to draw the line between those and acts rendered criminal by tyrannical laws only; hence the first step always, is a convention defining the cases where a surrender shall take place.

If, then, the United States could not deliver up to Governor Quesada, a fugitive from the laws of his country, we cannot claim as a right the delivery of fugitives from us; and it is worthy consideration, whether the demand proposed to be made in Governor Pinckney's letter, should it be complied with by the other party, might not commit us disagreeably, perhaps dishonorably in event; for I do not think we can take for granted, that the legislature of the United States will establish a convention for the mutual delivery of fugitives; and without a reasonable certainty that they will, I think we ought not to give Governor Quesada any grounds to expect, that in a similar case, we would re-deliver fugitives from his government.

I have the honor to be, with the most profound respect and attachment, Sir, your most obedient, and most humble servant.

TO MESSRS. JOHNSON, STEWART AND CARROLL.

PHILADELPHIA, November 21, 1791.

GENTLEMEN.—A Mr. Blodget has a scheme in contemplation for purchasing and *building* a whole street in the new city, and any one of them which you may think best. The magnitude of the proposition occasioned it to be little attended to in the beginning. However, great as it is, it is believed by good judges to be practicable. It may not be amiss, therefore, to be ready for it. The street most desirable to be built up at once, we suppose to be a broad one, (the avenue,) leading from the President's house to the Capitol. To prepare the squares adjoining to that, on both sides, in the first place, can do no harm; because, if Mr. Blodget's scheme does not take effect, still it is a part of a work done, which was to be done; if his scheme takes effect, you will be in readiness for him, which would be desirable. The President, therefore, desires me to suggest to you the beginning at once on that avenue, and when all the squares on that shall be laid off, they may go on laying off the rest of the squares between that and the river, from Georgetown to the eastern branch, according to an idea he has suggested to you in a letter not long since. This, however, is but a suggestion for the good of the undertaking, on which you will decide as you think proper. I have the honor to be, Gentlemen, your most obedient, and most humble servant.

TO MR. ELLICOTT.

PHILADELPHIA, November 21, 1791.

DEAR SIR,—It is excessively desirable that an extensive sale of lots in Washington should take place as soon as possible. It has been recommitted to the commissioners to have all the squares adjacent to the avenue from the President's house to the Capitol, on both sides, and from thence to the river, through the whole breadth of the ground between Rock Creek and Eastern Branch, first laid off; the object of the present is to ask your *private* opinion of the earliest time at which this portion of the work can be completed, which I will beg the favor of you to communicate to me by letter. In order that the sale may not be delayed by the engraving, it is hoped that by communicating what is executed from time to time, the engraver may nearly keep pace with you.

I am, with great esteem, dear Sir, your most obedient servant.

TO WILLIAM SHORT.

PHILADELPHIA, November 24, 1791.

DEAR SIR,—My last to you was of August the 29th, acknowledging the receipt of your Nos. 67, 68, 69, 70, 71, and informing you I was about setting out to Virginia, and should not again write to you till my return. Only one vessel has sailed from

hence to Havre since my return, and my notice of her departure was so short, that I could not avail myself of it. Your Nos. 72, 73, 74, 75, 78, came here during my absence, and 79, 80, were received October the 28th. The Nos. 76 and 77 seem to be missing.

You mention that Drost wishes the devices of our money to be sent to him, that he may engrave them there. This cannot be done, because not yet decided on. The devices will be fixed by the law which shall establish the mint. M. de Ternant tells me he has no instructions to propose to us the negotiation of a commercial treaty, and that he does not expect any. I wish it were possible to draw that negotiation to this place. In your letter of July the 24th, is the following paragraph: "It is published in the English newspapers, that war is inevitable between the United States and Spain, and that preparations are making for it on both sides. M. de Montmorin asked me how the business stood at present, and seemed somewhat surprised at my telling him, that I knew nothing later than what I had formerly mentioned to him. I have, in more than one instance, experienced the inconvenience of being without information. In this, it is disagreeable, as it may have the appearance with M. de Montmorin, of my having something to conceal from him, which not being the case, it would be wrong that he should be allowed to take up such an idea. I observed, that I did not suppose there

was any new circumstance, as you had not informed me of it." Your observation was certainly just. It would be an Augean task for me to go through the London newspapers, and formally contradict all their lies, even those relating to America. On our side, there having been certainly no preparations for war against Spain; nor have I heard of any on their part, but *in the London newspapers*. As to the progress of the negotiation, I know nothing of it but from you; having never had a letter from Mr. Carmichael on the subject. Our best newspapers are sent you from my office with scrupulous exactness, by every vessel sailing to Havre or any other convenient port of France. On these I rely for giving you information of all the facts possessed by the public; and as to those not possessed by them, I think there has been not a single instance of my leaving you uninformed of any of them which related to the matters under your charge. In Freneau's paper of the 21st instant, you will see a small essay on population and emigration, which I think it would be well if the news writers of Paris would translate and insert in their papers. The sentiments are too just not to make impression.

Some proceedings of the assembly of St. Domingo have lately taken place, which it is necessary for me to state to you exactly, that you may be able to do the same to M. de Montmorin. When the insurrection of their negroes assumed a very threatening appearance, the Assembly sent a deputy here

to ask assistance of military stores and provisions. He addressed himself to M. de Ternant, who (the President being then in Virginia, as I was also) applied to the Secretaries of the Treasury and War. They furnished one thousand stand of arms, other military stores, and placed forty thousand dollars in the treasury, subject to the order of M. de Ternant, to be laid out in provisions, or otherwise, as he should think best. He sent the arms and other military stores; but the want of provisions did not seem so instantaneous as to render it necessary, in his opinion, to send any at that time. Before the vessel arrived in St. Domingo, the Assembly, further urged by the appearance of danger, sent two deputies more, with larger demands, viz., eight thousand fusils and bayonets, two thousand mousquators, three thousand pistols, three thousand sabres, twenty-four thousand barrels of flour, four hundred thousand livres worth of Indian meal, rice, peas, and hay, and a large quantity of plank, etc. to repair the buildings destroyed. They applied to M. de Ternant, and then with his consent to me; he and I having previously had a conversation on the subject. They proposed to me, first, that we should supply those wants from the money we owed France; or secondly, from the bills of exchange which they were authorized to draw on a particular fund in France; or thirdly, that we would guarantee their bills, in which case they could dispose of them to merchants, and buy the necessaries them-

selves. I convinced them the two latter alternatives were beyond the powers of the executive, and the first could only be done with the consent of the minister of France. In the course of our conversation, I expressed to them our sincere attachment to France and all its dominions, and most especially to them who were our neighbors, and whose interests had some common points of union with ours in matters of commerce; that we wished, therefore, to render them every service they needed, but that we could not do it in any way disagreeable to France; that they must be sensible, that M. de Ternant might apprehend that jealousy would be excited by their addressing themselves directly to foreign powers, and therefore, that a concert with him in their applications to us, was essential. The subject of independence, and their views towards it having been stated in the public papers, this led our conversation to it; and I must say, they appeared as far from these views as any persons on earth. I expressed to them freely my opinion, that such an object was neither desirable on their part, nor attainable; that, as to ourselves, there was one case which would be peculiarly alarming to us, to wit, were there a danger of their falling under any other power; that we conceived it to be strongly our interests, that they should retain their connection with the mother country; that we had a common interest with them, in furnishing them the necessaries of life in exchange for sugar and coffee for our

own consumption, but that I thought we might rely on the justice of the mother country towards them, for their obtaining this privilege; and on the whole, let them see that nothing was to be done, but with the consent of the minister of France. I am convinced myself that their views and their application to us are perfectly innocent; however, M. de Ternant, and still more, M. de La Forest, are jealous. The deputies, on the other hand, think that M. de Ternant is not sensible enough of their wants. They delivered me sealed letters to the President and to Congress. That to the President contained only a picture of their distresses, and application for relief. That to Congress, I know no otherwise than through the public papers. The Senate read it, and sent it to the Representatives, who read it, and have taken no other notice of it. The line of conduct I pursue is, to persuade these gentlemen to be contented with such moderate supplies, from time to time, as will keep them from real distress, and to wait with patience for what would be a surplus, till M. de Ternant can receive instructions from France, which he has reason to expect within a few weeks; and I encourage the latter gentleman even to go beyond their absolute wants of the moment, so far as to keep them in good humor. He is accordingly proposing to lay out ten thousand dollars for them, for the present. It would be ridiculous in the present case, to talk about forms. There are situations when form must

be dispensed with. A man attacked by assassins will call for help to those nearest him, and will not think himself bound to silence till a magistrate may come to his aid. It would be unwise in the highest degree, that the colonists should be disgusted with either France or us; for it might then be made to depend on the moderation of another power, whether what appears a chimera might not become a reality. I have thought it necessary to go thus fully into this transaction, and particularly as to the sentiments I have expressed to them, that you may be enabled to place our proceedings in their true light.

Our Indian expeditions have proved successful. As yet, however, they have not led to peace. Mr. Hammond has lately arrived here as Minister Plenipotentiary from the court of London, and we propose to name one to that court in return. Congress will probably establish the ratio of representation by a bill now before them, at one representative for every thirty thousand inhabitants. Besides the newspapers, as usual, you will receive herewith the census lately taken, by towns and counties as well as by States.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL HUMPHREYS.

PHILADELPHIA, November 29, 1791.

DEAR SIR,—My last to you was of August 23, acknowledging the receipt of your Nos. 19, 21, and 22. Since that, I have received from 23 to 33 inclusive. In mine, I informed you I was about setting out for Virginia, and consequently should not write to you till my return. This opportunity, by Captain Wicks, is the first since my return.

The party which had gone, at the date of my last, against the Indians north of the Ohio, were commanded by General Wilkinson, and were as successful as the first, having killed and taken about eighty persons, burnt some towns, and lost, I believe, not a man. As yet, however, it has not produced peace. A very formidable insurrection of the negroes in French St. Domingo has taken place. From thirty to fifty thousand are said to be in arms. They have sent here for aids of military stores and provisions, which we furnish just as far as the French minister here approves. Mr. Hammond is arrived here as Minister Plenipotentiary from Great Britain, and we are about sending one to that court from hence. The census, particularly as to each part of every State, is now in the press; if done in time for this conveyance, it shall be forwarded. The legislature have before them a bill for allowing one representative for every thirty thousand persons, which has passed the Represen-

tatives, and is now with the Senate. Some late inquiries into the state of our domestic manufactories give a very flattering result. Their extent is great and growing through all the States. Some manufactories on a large scale are under contemplation. As to the article of Etrennes inquired after in one of your letters, it was under consideration in the first instance, when it was submitted to the President, to decide on the articles of account which should be allowed the foreign ministers in addition to their salary; and this article was excluded, as everything was meant to be which was not in the particular enumeration I gave you. With respect to foreign newspapers, I receive those of Amsterdam, France, and London so regularly, and so early, that I will not trouble you for any of them; but I will thank you for those of Lisbon and Madrid, and in your letters to give me all the information you can of Spanish affairs, as I have never yet received but one letter from Mr. Carmichael, which you I believe brought from Madrid. You will receive with this a pamphlet by Mr. Coxe in answer to Lord Sheffield, Freneau and Fenn's papers. I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO DANIEL SMITH, ESQ.

PHILADELPHIA, November 29, 1791.

SIR,—I have to acknowledge the receipt of your favors of September 1 and October 4, together with the report of the Executive proceedings in the South-Western government from March 1 to July 26.

In answer to that part of yours of September 1, on the subject of a seal for the use of that government, I think it extremely proper and necessary, and that one should be provided at public expense.

The opposition made by Governor Blount and yourself to all attempts by citizens of the United States to settle within the Indian lines without authority from the General Government, is approved, and should be continued.

There being a prospect that Congress, who have now the Post Office bill before them, will establish a post from Richmond to Stanton, and continue it thence towards the South-West government a good distance, if not nearly to it, our future correspondence will be more easy, quick, and certain. I am, with great esteem, Sir, your most obedient, and most humble servant.

TO THE ATTORNEY GENERAL.

PHILADELPHIA, December 5, 1791.

DEAR SIR,—The enclosed memorial from the British minister, on the case of Thomas Pagan, con-

taining a complaint of injustice in the dispensations of law by the courts of Massachusetts, to a British subject, the President approves of my referring it to you, to report thereon your opinion of the proceedings, and whether anything, and what, can or ought to be done by the government in consequence thereof.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

The Memorial of the British Minister.

The undersigned, his Britannic Majesty's Minister Plenipotentiary to the United States of America, has the honor of laying before the Secretary of State, the following brief abstract of the case of Thomas Pagan, a subject of his Britannic Majesty, now confined in the prison of Boston, under an execution issued against him out of the supreme judicial court of Massachusetts Bay. To this abstract, the undersigned has taken the liberty of annexing some observations, which naturally arise out of the statement of the transaction, and which may perhaps tend to throw some small degree of light on the general merits of the case.

In the late war, Thomas Pagan was agent for, and part owner of a privateer called the Industry, which, on the 25th of March, 1783, off Cape Ann, captured a brigantine called the Thomas, belonging to Mr. Stephen Hooper, of Newport. The brigantine and cargo were libelled in the court of vice-admiralty

in Nova Scotia, and that court ordered the prize to be restored. An appeal was, however, moved for by the captors, and regularly prosecuted in England before the Lords of Appeals for prize causes, who, in February, 1790, reversed the decree of the vice-admiralty court of Nova Scotia, and condemned the brigantine and cargo as good and lawful prize.

In December, 1788, a judgment was obtained by Stephen Hooper in the court of common pleas for the county of Essex, in Massachusetts, against Thomas Pagan, for three thousand five hundred pounds lawful money, for money had and received to the plaintiff's use. An appeal was brought thereon in May, 1789, to the supreme judicial court of the commonwealth of Massachusetts, held at Ipswich, for the county of Essex, and on the 16th of June, 1789, a verdict was found for Mr. Hooper, and damages were assessed at three thousand and nine pounds two shillings and ten pence, which sum is "for the vessel called the brigantine Thomas, her cargo and every article found on board." After this verdict, and before entering the judgment, Mr. Pagan moved for a new trial, suggesting that the verdict was against law; because the merits of the case originated in a question, whether a certain brigantine called the Thomas, with her cargo, taken on the high seas by a private ship of war called the Industry, was prize or no prize, and that the court had no authority to give judgment in a cause where the point of a resulting or implied promise arose

upon a question of this sort. The supreme judicial court refused this motion for a new trial, because it appeared to the court, that in order to a legal decision it is not necessary to inquire whether this prize and her cargo were prize or no prize, and because the case did not, in their opinion, involve a question relative to any matter or thing necessarily consequent upon the capture thereof: it was therefore considered by the court, that Hooper should receive of Pagan three thousand and nine pounds two shillings and ten pence lawful money, damages; and taxed costs, sixteen pounds two shillings and ten pence. From this judgment, Pagan claimed an appeal to the supreme judicial court of the United States of America, for these reasons: that the judgment was given in an action brought by Hooper, who is, and at the time of commencing the action was, a citizen of the commonwealth of Massachusetts, one of the United States, against Pagan, who, at the time when the action was commenced, was, and ever since has been, a subject of the King of Great Britain, residing in and inhabiting his province of New Brunswick. This claim of an appeal was not allowed, because it was considered by the court, that this court was the supreme judicial court of the commonwealth of Massachusetts, from whose judgment there is no appeal; and further, because there does not exist any such court within the United States of America as that to which Pagan has claimed an appeal from the judgment of this

court. Thereupon, execution issued against Pagan on the 9th of October, 1789, and he has been confined in Boston prison ever since.

It is to be observed, that in August, 1789, Mr. Pagan petitioned the supreme judicial court of Massachusetts for a new trial, and after hearing the arguments of counsel, a new trial was refused. On the 1st of January, 1791, his Britannic Majesty's consul at Boston applied for redress on behalf of Mr. Pagan, to the Governor of Massachusetts Bay, who, in his letter of the 28th of January, 1791, was pleased to recommend this matter to the serious attention of the Senate and House of Representatives of that State. On the 14th of February, 1791, the British consul memorialized the Senate and House of Representatives on this subject. On the 22d of February, a committee of both Houses reported a resolution, that the memorial of the consul and message from the Governor, with all the papers, be referred to the consideration of the justices of the supreme judicial court, who were directed, as far as may be, to examine into and consider the circumstances of the case, and if they found that by the force and effect allowed by the law of nations to foreign admiralty jurisdictions, etc., Hooper ought not to have recovered judgment against Pagan, the court was authorized to grant a review of the action. On the 13th of June, 1791, the British consul again represented to the Senate and House of Representatives, that the justices of the supreme judicial

court had not been pleased to signify their decision on this subject, referred to them by the resolution of the 22d of February. This representation was considered by a committee of the Senate and of the House of Representatives, who concluded that one of them should make inquiry of some of the judges to know their determination, and upon being informed that the judges intended to give their opinion, with their reasons, *in writing*, the committee would not proceed any further in the business. On the 27th of June, 1791, Mr. Pagan's counsel moved the justices of the supreme judicial court for their opinion in the case of Hooper and Pagan, referred to their consideration by the resolve of the General Court, founded on the British consul's memorial. Chief Justice and Justice Dana being absent, Justice Paine delivered it as the unanimous opinion of the judges absent as well as present, that Pagan was not entitled to a new trial for any of the causes mentioned in the said resolve, and added, "that the court intended to put their opinions upon paper, and to file them in the cause: that the sickness of two of the court had hitherto prevented it, but that it would soon be done."

It is somewhat remarkable, that the supreme judicial court of Massachusetts Bay, should allege that this case did not necessarily involve a question relative to prize or no prize, when the very jury to whom the court referred the decision of the case established the fact; their verdict was for three

thousand and nine pounds two shillings and ten pence, damages, which sum is for the vessel called the brigantine Thomas, her cargo, and everything found on board. Hence it is evident, that the case *did* involve a question of prize or no prize, and having received a formal decision by the only court competent to take cognizance thereof, (viz. the high court of appeals for prize causes in England,) everything that at all related to the property in question, or to the legality of the capture, was thereby finally determined. The legality of the capture being confirmed by the high court of appeals in England, cannot consistently with the principles of the law of nations be discussed in a foreign court of law, or at least, if a foreign court of common law is, by any local regulations, deemed competent to interfere in matters relating to captures, the decisions of admiralty courts or courts of appeal, should be received and taken as conclusive evidence of the legality or illegality of captures. By such decisions, property is either adjudged to the captors or restored to the owners; if adjudged to the captors, they obtain a permanent property in the captured goods acquired by the rights of war, and this principle originates in the wisdom of nations, and is calculated to prevent endless litigation.

The proceedings of the supreme judicial court of Massachusetts Bay, are in direct violation of the rules and usages that have been universally practised among nations in the determination of the

validity of captures, and of all collateral questions that may have reference thereto. The General Court of Massachusetts Bay, among other things, kept this point in view, when they referred the case of Mr. Pagan to the consideration of the justices of the supreme judicial court, and authorized the court to grant a review of the action, if it should be found that by the force and effect allowed by the law of nations to foreign admiralty jurisdictions, Mr. Hooper ought not to have recovered judgment against Mr. Pagan. But the supreme judicial court have not only evaded this material consideration, upon which the whole question incontestably turns, but have assumed a fact in direct contradiction to the truth of the case, viz. that the case did not involve a question of prize or no prize. Moreover, they have denied Mr. Pagan the benefit of appeal to that court which is competent to decide on the force of treaties, and which court, by the Constitution of the United States, is declared to possess *appellate* jurisdiction both as to law and fact, in all cases of controversy between citizens of the United States and subjects of foreign countries, to which class this case is peculiarly and strictly to be referred.

From the foregoing abstract of the case of Thomas Pagan, it appears that he is now detained in prison, in Boston, in consequence of a judgment given by a court which is not competent to decide upon his case, or which, if competent, refused to admit the only evidence that ought to have given jurisdiction,

and that he is denied the means of appealing to the highest court of judicature known in these States, which exists in the very organization of the Constitution of the United States, and is declared to possess appellate jurisdiction in all cases of a nature similar to this.

For these reasons, the undersigned begs leave respectfully to submit the whole matter to the consideration of the Secretary of State, and to request him to take such measures as may appear to him the best adapted for the purpose of obtaining for the said Thomas Pagan, such speedy and effectual redress as his case may seem to require.

GEORGE HAMMOND.

PHILADELPHIA, November 26, 1791.

TO MR. M'ALISTER.

PHILADELPHIA, December 22, 1791.

SIR,—I am favored with yours of the 1st of November, and recollect with pleasure our acquaintance in Virginia. With respect to the schools of Europe, my mind is perfectly made up, and on full enquiry. The best in the world is Edinburgh. Latterly, too, the spirit of republicanism has become that of the students in general, and of the younger professors; so on that account also it is eligible for an American. On the continent of Europe, no place is comparable to Geneva. The sciences are there more modernized than anywhere else. There, too, the spirit of

republicanism is strong with the body of the inhabitants: but that of aristocracy is strong also with a particular class; so that it is of some consequence to attend to the class of society in which a youth is made to move. It is a cheap place. Of all these particulars Mr. Kinloch and Mr. Huger, of South Carolina, can give you the best account, as they were educated there, and the latter is lately from thence. I have the honor to be, with great esteem, Sir, your most obedient humble servant.

TO ARCHIBALD STUART.

PHILADELPHIA, December 23, 1791.

DEAR SIR,—I received duly your favor of October 22, and should have answered it by the gentleman who delivered it, but that he left town before I knew of it.

That it is really important to provide a constitution for our State cannot be doubted: as little can it be doubted that the ordinance called by that name has important defects. But before we attempt it, we should endeavor to be as certain as is practicable that in the attempt we should not make bad worse. I have understood that Mr. Henry has always been opposed to this undertaking; and I confess that I consider his talents and influence such as that, were it decided that we should call a convention for the purpose of amending, I should fear he might induce that convention either to fix

the thing as at present, or change it for the worse. Would it not therefore be well that means should be adopted for coming at his ideas of the changes he would agree to, and for communicating to him those which we should propose? Perhaps he might find ours not so distant from his, but that some mutual sacrifices might bring them together.

I shall hazard my own ideas to you as hastily as my business obliges me. I wish to preserve the line drawn by the federal constitution between the general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it. Though the experiment has not yet had a long enough course to show us from which quarter encroachments are most to be feared, yet it is easy to foresee, from the nature of things, that the encroachments of the State governments will tend to an excess of liberty which will correct itself, (as in the late instance,) while those of the General Government will tend to monarchy, which will fortify itself from day to day, instead of working its own cure, as all experience shows. I would rather be exposed to the inconveniences attending too much liberty, than those attending too small a degree of it. Then it is important to strengthen the State governments; and as this cannot be done by any change in the federal constitution, (for the preservation of that is all we need contend for,) it must be done by the States themselves, erecting such barriers at the

constitutional line as cannot be surmounted either by themselves or by the General Government. The only barrier in their power is a wise government. A weak one will lose ground in every contest. To obtain a wise and an able government, I consider the following changes as important. Render the legislature a desirable station by lessening the number of representatives (say to 100) and lengthening somewhat their term, and porportion them equally among the electors. Adopt also a better mode of appointing senators. Render the Executive a more desirable post to men of abilities by making it more independent of the legislature. To wit, let him be chosen by other electors, for a longer time, and ineligible forever after. Responsibility is a tremendous engine in a free government. Let him feel the whole weight of it then, by taking away the shelter of his executive council. Experience both ways has already established the superiority of this measure. Render the judiciary respectable by every possible means, to wit, firm tenure in office, competent salaries, and reduction of their numbers. Men of high learning and abilities are few in every country; and by taking in those who are not so, the able part of the body have their hands tied by the unable. This branch of the government will have the weight of the conflict on their hands, because they will be the last appeal of reason. These are my general ideas of amendments; but, preserving the ends, I should be flexible and conciliatory

as to the means. You ask whether Mr. Madison and myself could attend on a convention which should be called? Mr. Madison's engagements as a member of Congress will probably be from October to March or April in every year. Mine are constant while I hold my office, and my attendance would be very unimportant. Were it otherwise, my office should not stand in the way of it. I am, with great and sincere esteem, dear Sir, your friend and servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, December 23, 1791.

SIR,—As the conditions of our commerce with the French and British dominions are important, and a moment seems to be approaching when it may be useful that both should be accurately understood, I have thrown a representation of them into the form of a table, showing at one view how the principal articles interesting to our agriculture and navigation, stand in the European and American dominions of these two powers. As to so much of it as respects France, I have cited under every article the law on which it depends; which laws, from 1784 downwards, are in my possession.

Port charges are so different, according to the size of the vessel and the dexterity of the captain, that an examination of a greater number of port bills might, perhaps, produce a different result. I

can only say, that that expressed in the table is fairly drawn from such bills as I could readily get access to, and that I have no reason to suppose it varies much from the truth, nor on which side the variation would lie. Still, I cannot make myself responsible for this article. The authorities cited will vouch the rest.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

Footing of the Commerce of the United States with France and England, and with the French and English American Colonies.

	France.	Great Britain and Ireland.
Wheat, flour, &c.	(a) Free.	Prohibited till it is 6s. 4d. the bushel.
Rice.	(a) Free.	7s. 4d. sterling the kental.
Salted fish.	(b) 8 livres the kental.	Prohibited.
Salted beef.	(c) 5 livres the kental.	Prohibited.
Salted pork.	(d) 5 livres the kental in some ports. Prohibited in others.	44s. 9d. the kental.
Furs.	(a) Free.	15 to 20 per cent.
Indigo.	(c) 5 livres the kental.	Free.
Whale Oil.	(a) 7 livres and 10 sous the barrel of 520 lbs.	£18 3s. the ton.
Tar, pitch, turpentine.	(a) 2½ per cent. 5 sous the kental, by new tariff.	11d. 11s. 2s. 3d. B.
Ships.	(a) Free for naturalization.	Prohibited naturalization.
(b) Port charges.	cents. average. Bordeaux, 23 the ton } 18 Havre, 14 the ton }	average. London, 76 Liverpool, 61 Bristol, 1.43 Hull, 1.57 } 1.09 dols.
(f) Exports to.	1,384,246 D.	(k) 6,888,970 D.
(f) Imports from.	155,136 D.	13.965,464 D.
(f) Freighted in *their* vessels.	9, 842 tons.	119,194 tons.
(f) Freighted in *our* vessels.	19,173 tons.	39,171 tons.

	French America.	English America.
Wheat, flour, &c.	(g) Prohibited by a general law. Free, by suspensions from time to time.	Free, by proclamation.
Rice.	(c) 1 per cent.	Free, by proclamation.
Salted fish.	(h) 1 per cent. x 3 livres kental.	Prohibited.
Salted beef.	(c) 1 per cent. x 3 livres kental.	Prohibited.
Port charges.	Cape Franc, .96 Port au Prince, .40 Martinique, .18 } average .55	Jamaica, .76 Antigua, .22 Barbadoes. .42 St. Kitts, .43 Dominique, .21 } average. .44
Exports to.	3,284,656 D.	2,357,583 D.
Imports from.	1,913,212 D.	1,319,964 D.
Freighted in *their* vessels.	3,959 tons.	107,759 tons.
Freighted in *our* vessels.	97.236 tons.	Prohibited.

The following articles being on an equal footing in both countries, are thrown together.

	France.	Great Britain and Ireland.
Tobacco.	Free of duty, but under monopoly.	1s. 3d. the lb.
Wood.	(a) Free.	Free.
Pot and pearl ash.	(a) Free.	Free.
Flax seed.	(a) Free.	Free.
	French America.	**English America.**
Corn, Indian.	(c) 1 per cent.	Free, by proclamation.
Wood.	(c) 1 per cent.	Free, by proclamation.
Salted pork.*	(c) Prohibited.	Prohibited.
Horses and mules.	(c) Free.	Free, by proclamation.
Live provisions.	(c) 1 per cent.	Free, by proclamation.
Tar, pitch, turpentine.	(c) 1 per cent.	Free, by proclamation.
Imports allowed.	Rum, molasses generally, sugar, and all other commodities till August 1, 1794.	Rum, molasses, sugar, coffee, cocoa nuts, ginger, pimento, by proclamation.

NOTES.

(a) By *Arret* of December the 29th, 1787.
(b) By *Arret* of 1763.
(c) By *Arret* of August the 30th, 1784.
(d) By *Arret* of 1788.
(e) By *Arret* of 1760.
(f) Taken from the Custom House returns of the United States.

(g) There is a general law of France prohibiting foreign flour in their islands, with a suspending power to their Governors, in cases of necessity. An *Arret* of May the 9th, 1789, by their Governor, makes it free till August, 1794; and in fact it is generally free there.

(h) The *Arret* of Septemberthe 18th, 1785, gave a premium of ten livres the kental, on fish brought in their own bottoms, for five years, so that the law expired September the 18th, 1790. Another *Arret*, passed a week after, laid a duty of five livres the kental, on fish brought in foreign vessels, to raise money for the premium before mentioned. The last *Arret* was not limited in time; yet seems to be understood as only commensurate with the other. Accordingly, an *Arret* of May the 9th, 1789, has made fish in foreign bottoms liable to three livres the kental only till August the 1st, 1794.

(i) The port charges are estimated from bills collected from the merchants of Philadelphia. They are different in different ports of the same country, and different in the same ports on vessels of different sizes. Where I had several bills of the same port, I averaged them together. The dollar is rated at 4s. 4½d. sterling in England, at 6s. 8d. in the British West Indies, and five livres twelve sous in France, and at eight livres five sous in the French West Indies.

Several articles stated to be *free* in France, do in fact pay one-eighths of a per cent., which was retained merely to oblige an entry to be made in their Custom House books. In like manner, several of the articles stated to be *free* in England, do, in fact, pay a light duty. The English duties are taken from the book of rates.

	Dollars.	Dollars.
(k) The exports to Great Britain and Ireland, are		6,888,978 50
How much they consume, I know not. They certainly re-export the following:		
Grain, the whole since the law of the last parliament	1,093,885	
Tobacco, five-sixths, according to Sheffield's tables	2,295,411	
Rice, five-sevenths, according to same	552,750	
Indigo, one-third, according to same	315,887	
Furs, probably one-half	17,950	
Ginseng, the whole	32,424	
Mahogany, Wine, } not being of our productions should also be deducted	16,724 4,425	
		4,329,456 00
Remainder, including their consumption and the unknown re-exportations		2,559,522 50

The exportations certainly known, then, are five-eighths of the whole.

TO PRESIDENT WASHINGTON.

PHILADELPHIA, January 4, 1792.

SIR,—Having been in conversation to-day with Monsieur Payan, one of the St. Domingo deputies, I took occasion to inquire of him the footing on which our commerce there stands at present, and particularly whether the colonial *Arret* of 1789, permitting a free importation of our flour till 1793, was still in force. He answered, that that *Arret* was revoked in France on the clamors of the merchants there; and with a like permission to carry flour to the three usual ports, and he thinks to bring away coffee and sugar, was immediately renewed by the Governor. Whether this has been regularly kept up by renewed *Arrets*, during the present troubles, he cannot say, but is sure that in practice it has never been discontinued, and that not by contraband, but openly and legally, as is understood. The public application to us to send flour there, is a proof of it. Instead, therefore, of resting this permission on a colonial *Arret* till 1793, it should be rested on temporary *Arrets* renewed from time to time, as heretofore. This correction of the notes I took the liberty of laying before you, with the table containing a comparative view of our commerce with France and England, I thought it my duty to make.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO MR. SHORT.

PHILADELPHIA, January 5, 1792.

DEAR SIR,—My last to you was of November 24th, since which I have received yours, Nos. 76, 77, and 81 to 87 inclusive. Your letter of October 6th, with your account to June, 1791, is not yet arrived, nor the box mentioned in your number 84. The memorial of the crew of the Indian shall be sent to the Governor of South Carolina. In a former letter I informed you that two balanciers would suffice for us, which will have served as an answer to that part of your late letters on the same subject. With respect to the Assayer, it will be better to defer taking any measures till the bill establishing a mint, which is now before the legislature, shall have passed.

We have been in expectation for some time that some overture would have been made to us from the Court of France, on the subject of the treaty of commerce recommended by the National Assembly to be entered into between the two nations. The executive of ours are perfectly disposed to meet such overtures, and to concur in giving them effect on the most liberal principles. This sentiment you may freely express to the Minister for Foreign Affairs.

We receive with deep regret daily information of the progress of insurrection and devastation in St. Domingo. Nothing indicates as yet that the

evil is at its height, and the materials, as yet untouched, but open to conflagration, are immense. The newspapers heretofore sent you, and those now sent, will have informed you of a very bloody action we have had with the Northern Indians, in which our army was defeated. This imposes the necessity of stronger preparations than were before thought requisite.

Some communications from the Court of Madrid having been lately, for the first time, made to us, these shall be the subject of a separate letter.

You mention some failures in the receipt of the journals of Congress and other public papers. I trust always to Mr. Remson to make them up from time to time, and I can answer for his punctuality. I send you his statement of those which have been sent, so that the failure has probably arisen from the inexactitude of those to whom they have been confided. At present we watch for vessels bound to Havre whereby to send them. You will receive some by the *Jeune Eole*, which sails from hence to that port next week. I am not certain whether this letter will go by the same conveyance, or by the English packet. I am, with the highest esteem and attachment, your affectionate humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, January 17, 1792.

SIR,—Your favors of November the 29th, 30th, and December the 1st, came duly to hand, and gave sincere pleasure, by announcing your disposition to accept the appointment to London. The nominations to Paris and the Hague having been detained till yours could be made, they were all immediately sent in to the Senate, to wit, yourself for London, Mr. G. Morris for Paris, Mr. Short for the Hague. Some members of the Senate, apprehending they had a right of determining on the *expediency* of foreign missions, as well as on the *persons* named, took that occasion of bringing forward the discussion of that question, by which the nominations were delayed two or three weeks. I am happy to be able to assure you, that not a single personal motive with respect to yourself entered into the objections to these appointments. On the contrary, I believe that your nomination gave general satisfaction. Your commission will be immediately made out, but as the opportunities of conveyance at this season are precarious, and you propose coming to this place, I think it better to retain it.

As to the delay proposed in your letter, it was to be expected: indeed, a winter passage from Charleston to this place, or across the Atlantic, is so disagreeable, that if either that circumstance or the arrangement of your affairs should render it in the

smallest degree eligible to you, to remain at home till the temperate season comes on, stay till after the vernal equinox; there will be no inconvenience to the public attending it. On the contrary, as we are just opening certain negotiations with the British minister here, which have not yet assumed any determinate complexion, a delay till that time will enable us to form some judgment of the issue they may take, and to know exactly in what way your co-operation at the place of your destination, may aid us. On this and other accounts, it will be highly useful that you take this place in your way, where, or at New York, you will always be sure of finding a convenient passage to England.

I have the honor to be, with the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, January 23, 1792.

DEAR SIR,—I have the pleasure to inform you, that the President of the United States has appointed you minister resident for the United States at the Hague, which was approved by the Senate on the 16th instant. This new mark of the President's confidence will be the more pleasing to you, as it imports an approbation of your former conduct, whereon be pleased to accept my congratulations. You will receive herewith, a letter from myself to

Monsieur de Montmorin, closing your former mission, your new commission, letters of credence from the President for the States General and Stadtholder, sealed, and copies of them open for your own satisfaction. You will keep the cypher we have heretofore used.

Your past experience in the same line, renders it unnecessary for me to particularize your duties on closing your present, or conducting your future mission. Harmony with our friends being our object, you are sensible how much it will be promoted by attention to the manner as well as the matter of your communications with the government of the United Netherlands. I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce and the extension of its privileges, both in the United Netherlands and their colonies, but most especially the latter.

The allowance to a minister resident of the United States, is four thousand five hundred dollars a year, *for all his personal services and other expenses*, a year's salary for his outfit, and a quarter's salary for his return. It is understood that the *personal services and other expenses* here meant, do not extend to the cost of gazettes and pamphlets transmitted to the Secretary of State's office, to translating or printing necessary papers, postage, couriers, and necessary aids to poor American sailors. These additional charges, therefore, may be inserted in your accounts; but no other of any description, unless where they

are expressly directed to be incurred. The salary of your new grade being the same as of your former one, and your services continued, though the scene of them is changed, there will be no intermission of salary; the new one beginning where the former ends, and ending when you shall receive notice of your permission to return. For the same reason there can be but one allowance of outfit and return, the former to take place now, the latter only on your final return. The funds appropriated to the support of the foreign establishment, do not admit the allowance of a secretary to a minister resident. I have thought it best to state these things to you minutely, that you may be relieved from all doubt as to the matter of your accounts. I will beg leave to add a most earnest request, that on the 1st day of July next, and on the same day annually afterwards, you make out your account to that day, and send it by the first vessel, and by duplicates. In this I must be very urgent and particular; because at the meeting of the ensuing Congress always, it is expected that I prepare for them a statement of the disbursements from this fund, from July to June inclusive. I shall give orders by the first opportunity, to our bankers in Amsterdam, to answer your drafts for the allowances herein before mentioned, recruiting them at the same time by an adequate remitment; as I expect that by the time you receive this, they will not have remaining on hand of this fund, more than seven or eight thousand dollars.

You shall receive from me, from time to time, the laws and journals of Congress, gazettes and other interesting papers: for whatever information is in possession of the public, I shall leave you generally to the gazettes, and only undertake to communicate by letter, such, relative to the business of your mission, as the gazetteers cannot give. From you I shall ask, once or twice a month regularly, a communication of interesting occurrences in Holland, of the general affairs of Europe, and the regular transmission of the Leyden gazette by every British packet, in the way it now comes, which proves to be very regular. Send also such other publications as may be important enough to be read by one who can spare little time to read anything, or which may contain matter proper to be turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and by those packets I would wish always to receive a letter from you, by way of corrective to the farrago of news they generally bring. Intermediate letters, secret communications, gazettes, and other printed papers, had better come by private vessels from Amsterdam; which channel I shall use generally for my letters, and always for gazettes and other printed papers.

The President has also joined you in a special and temporary commission with Mr. Carmichael to repair to Madrid, and there negotiate certain matters respecting the navigation of the Mississippi, and other

points of common interest between Spain and us. As some time will be necessary to make out the instructions and transcripts necessary in this business, they can only be forwarded by some future occasion; but they shall be soon forwarded, as we wish not to lose a moment in advancing negotiations so essential to our peace. For this reason, I must urge you to repair to the Hague at the earliest day the settlement of your affairs at Paris will admit, that your reception may be over, and the idea of your being established there strengthened, before you receive the new orders.

I have the honor to be, with sincere respect and esteem, dear Sir, your most obedient, and most humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, January 23, 1792.

DEAR SIR,—I have the pleasure to inform you, that the President of the United States has appointed you Minister Plenipotentiary for the United States, at the court of France, which was approved by the Senate on the 12th instant; on which be pleased to accept my congratulations. You will receive herewith your commission, a letter of credence for the King, sealed, and a copy of it open for your own satisfaction, as also a cypher, to be used on proper occasions in the correspondence between us.

To you, it would be more than unnecessary for me to undertake a general delineation of the functions of the office to which you are appointed. I shall therefore only express our desire, that they be constantly exercised in that spirit of sincere friendship and attachment which we bear to the French nation; and that in all transactions with the minister, his good dispositions be conciliated by whatever in language or attentions may tend to that effect. With respect to their government, we are under no call to express opinions which might please or offend any party, and therefore it will be best to avoid them on all occasions, public or private. Could any circumstances require unavoidably such expressions, they would naturally be in conformity with the sentiments of the great mass of our countrymen, who, having first, in modern times, taken the ground of government founded on the will of the people, cannot but be delighted on seeing so distinguished and so esteemed a nation arrive on the same ground, and plant their standard by our side.

I feel myself particularly bound to recommend, as the most important of your charges, the patronage of our commerce, and the extension of its privileges, both in France and her colonies, but most especially the latter. Our consuls in France are under general instructions to correspond with the minister of the United States at Paris; from them you may often receive interesting information. Joseph Fenwick is consul at Bordeaux, and Burwell

Carnes at Nantz; Monsieur de la Motte vice consul at Havre, and Monsieur Cathalan at Marseilles.

An act of Congress, of July the 1st, 1790, has limited the allowance of a minister plenipotentiary to nine thousand dollars a year *for all his personal services and other expenses*, a year's salary for his outfit, and a quarter's salary for his return. It is understood that *the personal services and other expenses* here meant, do not extend to the cost of gazettes and pamphlets transmitted to the Secretary of State's office, to translating or printing necessary papers, postage, couriers, and necessary aids to poor American sailors. These additional charges, therefore, may be inserted in your accounts; but no other of any description, unless where they are expressly directed to be incurred. By an ancient rule of Congress, your salary will commence from the day you receive this letter, if you be then at Paris, or from the day you set out for Paris from any other place at which it may find you; it ceases on receiving notice or permission to return, after which the additional quarter's allowance takes place. You are free to name your own private secretary, who will receive from the public a salary of thirteen hundred and fifty dollars a year, without allowance for any *extras*. I have thought it best to state these things to you minutely, that you may be relieved from all doubt as to the matter of your accounts. I will beg leave to add a most earnest request, that on the 1st day of July next, and on the same day annually afterwards,

you make out your account to that day, and send it by the first vessel, and by duplicates. In this I must be very urgent and particular, because at the meeting of the ensuing Congress always, it is expected that I prepare for them a statement of the disbursements from this fund, from July to June inclusive. I shall give orders by the first opportunity to our bankers in Amsterdam, to answer your drafts for the allowances herein before mentioned, recruiting them at the same time by an adequate remitment, as I expect that by the time you receive this, they will not have remaining on hand of this fund more than seven or eight thousand dollars.

You shall receive from me, from time to time, the laws and journals of Congress, gazettes and other interesting papers; for whatever information is in possession of the public, I shall leave you generally to the gazettes, and only undertake to communicate by letter, such, relative to the business of your mission, as the gazettes cannot give.

From you I shall ask, once or twice a month regularly, a communication of interesting occurrences in France, of the general affairs of Europe, and transmission of the Leyden gazette, the *journal logographe*, and the best paper of Paris for their colonial affairs, with such other publications as may be important enough to be read by one who can spare little time to read anything, or which may contain matter proper to be turned to, on interesting subjects and occasions. The English packet is the most certain

channel for such epistolary communications as are not very secret, and by those packets I would wish always to receive a letter from you by way of corrective to the farrago of news they generally bring. Intermediate letters, secret communications, gazettes and other printed papers, had better come through the channel of Monsieur de la Motte at Havre, to whom I shall also generally address my letters to you, and always the gazettes and other printed papers.

Mr. Short will receive by the same conveyance, his appointment as minister resident at the Hague.

I have the honor to be, with great esteem and respect, dear Sir, your most obedient, and most humble servant.

TO MONSIEUR DE MONTMORIN.

PHILADELPHIA, January 23, 1792.

SIR,—The President of the United States having destined Mr. Short to another employment, he is instructed to take leave of the court of France. The perfect knowledge I have of his understanding and dispositions, gives me full confidence that he has so conducted himself during his residence near them, as to merit their approbation; and that he will mark his departure with those respectful attentions and assurances which will give them entire satisfaction. Above all things, I hope that every exercise of his functions has been consistent with the sincerity of

the friendship we bear to the King and nation, and that you will be persuaded, that no one is more cordial in that sentiment than he who has the honor to be, with the most profound respect and attachment, Sir, your most obedient, and most humble servant.

TO DON JOSEPH JAUDENES, AND DON JOSEPH VIAR.

PHILADELPHIA, January 25, 1792.

GENTLEMEN,—Don Joseph Jaudenes having communicated to me verbally that his Catholic Majesty had been apprised of our solicitude to have some arrangements made respecting our free navigation of the Mississippi, and a port thereon convenient for the deposit of merchandise of export and import for lading and unlading the sea and river vessels, and that his Majesty would be ready to enter into treaty thereon directly with us, whensoever we should send to Madrid a proper and acceptable person authorized to treat on our part, I laid the communication before the President of the United States. I am authorized by him to assure you that our Government has nothing more at heart than to meet the friendly advances of his Catholic Majesty with cordiality, and to concur in such arrangements on the subject proposed, as may tend best to secure peace and friendship between the two nations on a permanent footing. The President has, therefore, with the approbation of the Senate, appointed Mr. Short, our present minister resident at the Hague, to proceed to Madrid as a

joint commissioner with Mr. Carmichael, with full powers to treat on the subject before mentioned, and I have no doubt that these gentlemen will so conduct themselves as to give entire satisfaction. Mr. Short's business at the Hague will occasion a short delay of his departure from that place for Madrid, but he will be duly urged to make it as short as possible.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, January 28, 1792.

DEAR SIR,—My last private letter to you was of November 25th, your last received was of September 29th. Though the present will be very confidential, and will go, I do not know how, I cannot take time to cypher it all. What has lately occurred here will convince you I have been right in not raising your expectations as to an appointment. The President proposed at first the nomination of Mr. T. Pinckney to the court of London, but would not name him till we could have an assurance from him that he would accept, nor did he indicate what the other appointments would be till Mr. Pinckney's answer came. Then he nominated to the Senate Mr. Morris, M. P. for France, Pinckney, M. P. for London, and yourself

M. R. for the Hague. The first of these appointments was extremely unpopular, and so little relished by several of the Senate, that every effort was used to negative it. Those whose personal objections to Mr. Morris overruled their deference to the President, finding themselves a minority, joined with another small party who are against all foreign appointments, and endeavored with them to put down the whole system rather than let this article pass. This plan was defeated, and Mr. Morris passed by a vote of 16 against 11. When your nomination came on, it was consented to, by 15 against 11, every man of the latter, however, rising and declaring, that as to yourself they had no personal objection, but only meant by their vote to declare their opinion against keeping any person at the Hague. Those who voted in the negative were not exactly the same in both cases. When the biennial bill furnishing money for the support of the foreign establishment shall come up at the next session, to be continued, the same contest will arise again, and I think it very possible that if the opponents of Mr. Morris cannot remove him otherwise, they will join again with those who are against the whole establishment, and try to discontinue the whole. If they fail in this, I still see no security in their continuing the mission to the Hague; because to do this they must enlarge the fund from forty to fifty thousand dollars. The President afterwards proceeded to join you to Carmichael on a special mission to Spain, to which there

was no opposition, except from three gentlemen who were against opening the Mississippi.

I am, with sincere attachment, dear Sir, your affectionate friend and servant.

TO COLONEL ALEXANDER HAMILTON.

February —, 1792.

DEAR SIR,—I return you the report on the mint, which I have read over with a great deal of satisfaction. I concur with you in thinking that the unit must stand on both metals, that the alloy should be the same in both, also in the proportion you establish between the value of the two metals. As to the question on whom the expense of coinage is to fall, I have been so little able to make up an opinion satisfactory to myself, as to be ready to concur in either decision. With respect to the dollar, it must be admitted by all the world, that there is great uncertainty in the meaning of the term, and therefore all the world will have justified Congress for their first act of removing the uncertainty by declaring what they understand by the term, but the uncertainty once removed, exists no longer, and I very much doubt a right now to change the value, and especially to lessen it. It would lead to so easy a mode of paying off their debts. Besides, the parties injured by this reduction of the value would have so much matter to urge in support of the first point of fixation. Should it be thought, however, that Con-

gress may reduce the value of the dollar, I should be for adopting for our unit, instead of the dollar, either one ounce of pure silver, or one ounce of standard silver, so as to keep the unit of money a part of the system of measures, weights and coins. I hazard these thoughts to you extempore and am, dear Sir, respectfully and affectionately.

TO THE BRITISH MINISTER (GEORGE HAMMOND).

PHILADELPHIA, February 2, 1792.

SIR,—On the receipt of your letter of the 14th of December, I communicated it to the President of the United States, and under the sanction of his authority, the principal members of the executive department made it their duty to make known in conversations generally, the explicit disclaimer, in the name of your court, which you had been pleased to give us, that the government of Canada had supported or encouraged the hostilities of our Indian neighbors in the western country. Your favor of January the 30th, to the same purpose, has been, in like manner, communicated to the President, and I am authorized to assure you, that he is duly sensible of this additional proof of the disposition of the court of London, to confine the proceedings of their officers in our vicinage within the limits of friendship and good neighborhood, and that a conduct so friendly and just, will furnish us a motive the more for those

duties and good offices which neighbor nations owe each other.

You have seen too much, Sir, of the conduct of the press in countries where it is free, to consider the gazettes as evidence of the sentiments of any part of the government; you have seen them bestow on the government itself, in all its parts, its full share of inculpation. Of the sentiments of our government on the subject of your letter, I cannot give you better evidence than the statement of the causes of the Indian war, made by the Secretary of War on the 26th of the last month, by order of the President, and inserted in the public papers. No interference on the part of your nation is therein stated among the causes of the war. I am happy, however, in the hope, that a due execution of the treaty will shortly silence those expressions of public feeling by removing their cause. I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, February 4, 1792.

SIR,—The late appointment of a minister resident to the Hague, has brought under consideration the condition of Mr. Dumas, and the question, whether he is, or is not, at present in the service of the United States?

Mr. Dumas, very early in the war, was employed first by Dr. Franklin, afterwards by Mr. Adams, to transact the affairs of the United States in Holland. Congress never passed any express vote of confirmation, but they opened a direct correspondence with Mr. Dumas, sent him orders to be executed, confirmed and augmented his salary, made that augmentation retrospective, directed him to take up his residence in their hotel at the Hague, and passed such other votes from time to time as established him *de facto* their agent at the Hague. On the change in the organization of our government in 1789, no commission nor new appointment took place with respect to him, though it did in most other cases; yet the correspondence with him from the office of Foreign Affairs has been continued, and he has regularly received his salary. A doubt has been suggested, whether this be legal. I have myself no doubt but what it is legal. I consider the source of authority with us to be the Nation. Their will, declared through its proper organ, is valid, till revoked by their will declared through its proper organ again also. Between 1776 and 1789, the proper organ for pronouncing their will, whether legislative or executive, was a Congress formed in a particular manner. Since 1789 it is a Congress formed in a different manner, for laws, and a President, elected in a particular way, for making appointments and doing other executive acts. The laws and appointments of the ancient Congress were as valid

and permanent in their nature, as the laws of the new Congress, or appointments of the new Executive; these laws and appointments, in both cases deriving equally their source from the will of the nation; and when a question arises, whether any particular law or appointment is still in force, we are to examine, not whether it was pronounced by the ancient or present organ, but whether it has been at any time revoked by the authority of the nation, expressed by the organ competent at the time. The nation, by the act of their federal convention, established some new principles and some new organizations of the government. This was a valid declaration of their will, and *ipso facto* revoked some laws before passed, and discontinued some officers and offices before appointed. Wherever, by this instrument, an old office was suspended by a new one, a new appointment became necessary; but where the new Constitution did not demolish an office, either expressly or virtually, nor the President remove the officer, both the office and officer remained. This was the case of several; in many of them, indeed, an excess of caution dictated the superaddition of a new appointment; but where there was no such superaddition, as in the instance of Mr. Dumas, both the office and officer still remained: for the will of the nation, validly pronounced by the proper organ of the day, had constituted him their agent, and that will has not, through any of its successive organs, revoked its appointment. I think, there-

fore, there is no room to doubt its continuance, and that the receipt of salary by him has been lawful.

However, I would not wish to take on myself alone the decision of a question so important, whether considered in a legal or constitutional view; and therefore submit it to you, Sir, whether it is not a proper question whereon to take the opinion of the Attorney General?

Another question then arises, Ought Mr. Dumas to be discontinued? I am of opinion he ought not.

1. Not at this time; because Mr. Short's mission to Madrid will occasion an immediate vacancy at the Hague again; and because, by the time that will be over, his appointment at the Hague must be discontinued altogether, unless Congress should enlarge the foreign fund.

2. Not at any time; because, when, after the peace, Mr. Dumas' agency became of less importance, Congress, under various views of his sacrifices and services, manifested that their continuance of him was in consideration of these, and of his advanced years and infirm state, which render it impossible for him to launch into a new line of gaining a livelihood; and they thought the continuance of moderate competence to him for moderate services, was more honorable to the United States than to abandon him in the face of Europe, after and under such circumstances.

I have the honor to be, with sentiments of the most profound respect and attachment, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, February 7, 1792.

SIR,—An account presented to me by Mr. John B. Cutting, for expenditures incurred by him in liberating the seamen of the United States in British ports, during the impressments, which took place under that government in the year 1790, obliges me to recall some former transactions to your mind.

You will be pleased to recollect the numerous instances of complaint or information to us, about that time, of the violence committed on our seafaring citizens in British ports, by their press-gangs and officers, and that, not having even a consul there at that time, it was thought fortunate that a private citizen, who happened to be on the spot, stepped forward for their protection; that it was obvious that these exertions on his part must be attended with expense, and that a particular demand of fifty pounds sterling for this purpose coming incidentally to my knowledge, it was immediately remitted to Mr. Cutting, with a request to account for it in convenient time. He now presents an account of all his expenditures in this business, which I have the honor to communicate herewith. According to this, the oppression extends to a much greater number of our citizens, and their relief is more costly, than had been contemplated. It will be necessary to lay the account before the Legislature; because, the expenses being of a description which had not occurred before,

no appropriation heretofore made would authorize payment at the treasury; because, too, the nature of the transactions may in some instances require, justly, that the ordinary rules of evidence, which the Auditor is bound to apply to ordinary cases, should suffer relaxations, which he probably will not think himself authorized to admit, without the orders of the Legislature.

The practice in Great Britain of impressing seamen whenever war is apprehended, will fall more heavily on ours than on those of any other foreign nation, on account of the sameness of language. Our minister at that court, therefore, will, on these occasions, be under the necessity of interfering for their protection, in a way which will call for expense. It is desirable that these expenses should be reduced to certain rules, as far as the nature of the case will admit, and the sooner they are so reduced the better. This may be done, however, on surer grounds after the government of Great Britain shall have entered with us into those arrangements on this particular subject which the seriousness of the case calls for on our part, and its difficulty may admit on theirs. This done, it will be desirable that legislative rules be framed which may equally guide and justify the proceedings of our minister, or other agent, at that court, and at the same time extend to our seafaring citizens the protection of which they have so much need.

Mr. Cutting being on the spot, will himself furnish

the explanations and documents of his case, either to the legislature or a committee of it, or to the Auditor, as he shall be required.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THE BRITISH MINISTER (GEORGE HAMMOND).

PHILADELPHIA, February 25, 1792.

SIR,—I have now the honor to enclose you the answer of the Attorney General to a letter I wrote him on the subject of yours of the 18th instant.

It appears that the judges of the Supreme Court of the United States are open to the application of Mr. Pagan for a writ of error to revise his case. This writ is to be granted, indeed, or refused, at the discretion of the judge; but the discretion of a judge is governed by the rules of law; if these be in favor of Mr. Pagan's application, his case will be reviewed in the Supreme Court, and the decision against him corrected, if wrong; if these be against his application, he will then be at the end of the ordinary course of law, at which term alone it is usual for nations to take up the cause of an individual, and to inquire whether their judges have refused him justice. At present, therefore, I am not able to say more, than that the judges of the Supreme Court of the United States will receive Mr. Pagan's application for a writ

of error to revise the judgment given against him by the inferior court, and that there can be no doubt they will do on that application what shall be right.

I have the honor to be, with the highest esteem, your most obedient, and most humble servant.

TO MESSRS. JOHNSON, CARROLL, AND STEWART.

PHILADELPHIA, March 6, 1792.

GENTLEMEN,—It having been found impracticable to employ Major L'Enfant about the federal city, in that degree of subordination which was lawful and proper, he has been notified that his services are at an end. It is now proper that he should receive the reward of his past services; and the wish that he should have no just cause of discontent, suggests that it should be liberal. The President thinks of two thousand five hundred, or three thousand dollars: but leaves the determination to you. Ellicott is to go on, the week after the next, to finish laying off the plan on the ground, and surveying and platting the district. I have remonstrated with him on the excess of five dollars a day and his expenses, and he has proposed striking off the latter; but this also is left to you, and to make the allowance retrospective. He is fully apprised that he is entirely under your orders, and there will be no person employed but under your orders. The enemies of this enterprise will take advantage of the retirement of

L'Enfant, to trumpet an abortion of the whole. This will require double exertions, to be counteracted. I enclose you the project of a loan which is agreed on, if you approve it. Your answer will be immediately expected, and is kept entirely secret, till the subscriptions are actually opened. With this money, in aid of your other funds, the works may be pushed with such spirit as to evince to the world that they will not be relaxed.

The immediate employment of a superintendent, of activity and intelligence equal to the nature of his functions and the public expectations, becomes important. You will, doubtless, also consider it as necessary to advertise immediately for plans of the Capitol and President's house. The sketch of an advertisement for the plan of a Capitol, which Mr. Johnson had sent to the President, is now returned with some alterations, and one also for a President's house. Both of them are subject to your pleasure, and when accommodated to that, if you will return them, they shall be advertised here and elsewhere. The President thinks it of primary importance to press the providing as great quantities of brick, stone, lime, plank, timber, etc., this year as possible. It will occur to you that the stone should be got by a skilful hand. Knowing what will be your funds, you will be able to decide which of the following works had better be undertaken for the present year:

The cellars of both houses.

The foundations of one, or both.

Bridge over Rock Creek, and the post road brought over it.

Canal.

Wharves.

The affair of Mr. Carroll, of Duddington's house, seems to call for settlement. The President thinks the most just course would be, to rebuild the house in the same degree, using the same materials as far as they will go, and supplying what are destroyed or rendered unfit; so that the effect will be in fact, only the removal of the house within his lot, and in a position square with the streets. Do you not think it would be expedient to take measures for importing a number of Germans and Highlanders? This need not be to such an extent as to prevent the employment of eastern laborers, which is eligible for particular reasons. If you approve of the importation of Germans and have a good channel for it, you will use it, of course. If you have no channel, I can help you to one. Though Roberdeau's conduct has been really blamable, yet we suppose the principal object of the arrest was to remove him off the ground. As the prosecution of him to judgment might give room to misrepresentation of the motives, perhaps you may think it not amiss to discontinue the proceedings. You will receive herewith a packet of papers, among which are several projects and estimates which have been given in by different persons, and which are handed on to you, not as by any means carrying with them any degree of approbation, but

merely, that if you find anything good in them, you may convert it to some account. Some of these contain the views of L'Enfant.

I have the honor to be, with the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, March 10, 1792.

DEAR SIR,—My letter of January the 23d, put under cover to Mr. Johnson in London, and sent by a passenger in the British packet of February, will have conveyed to you your appointment as Minister Plenipotentiary of the United States, at the court of France. By the Pennsylvania, Captain Harding, bound to Havre de Grace, and plying pretty regularly between this place and that, you will receive the present letter, with the laws of the United States, journals of Congress, and gazettes to this day, addressed to the care of M. de la Motte. You will also receive a letter from the President to the King of France, in answer to his announcing the acceptance of the Constitution, which came to hand only a week ago. A copy of this letter is sent for your own use. You will be pleased to deliver the sealed one, (to the minister, I presume, according to the ancient etiquette of the court,) accompanying it with the assurances of friendship, which the occasion may permit you to express, and which are cordially felt

by the President and the great body of our nation. We wish no occasion to be omitted of impressing the National Assembly with this truth. We had expected, ere this, that in consequence of the recommendation of their predecessors, some overtures would have been made to us on the subject of a treaty of commerce. An authentic copy of the recommendation was delivered, but nothing said about carrying it into effect. Perhaps they expect that we should declare our readiness to meet them on the ground of treaty. If they do, we have no hesitation to declare it. In the meantime, if the present communications produce any sensation, perhaps it may furnish a good occasion to endeavor to have matters re-placed *in statu quo*, by repealing the late innovations as to our ships, tobacco and whale oil. It is right that things should be on their ancient footing, at opening the treaty. M. Ternant has applied here for four thousand dollars for the succor of the French colonies. The Secretary of the Treasury has reason to believe, that the late loan at Antwerp has paid up all our arrearages to France, both of principal and interest, and consequently, that there is no part of our debt exigible at this time. However, the Legislature having authorized the President to proceed in borrowing to pay off the residue, provided it can be done to the *advantage* of the United States, it is thought the law will be satisfied with *avoiding loss* to the United States. This has obliged the Secretary of the Treasury to

require some conditions, which may remove from us that loss which we encountered, from an unfavorable exchange, to pay what was *exigible*, and transfer it to France as to payments not exigible. These shall be fully detailed to you when settled. In the meantime, the money will be furnished as far as it can be done. Indeed, our wishes are cordial for the re-establishment of peace and commerce in those colonies, and to give such proofs of our good faith both to them and the mother country, as to suppress all that jealousy which might oppose itself to the free exchange of our *mutual productions*, so essential to the prosperity of those colonies, and to the preservation of *our agricultural* interest. This is our true interest and our true object, and we have no reason to conceal views so justifiable, though the expression of them may require that the occasions be proper and the terms chosen with delicacy. The gazettes will inform you of the proceedings of Congress, the laws passed and proposed, and generally speaking, of all public transactions. You will perceive that the Indian war calls for sensible exertions. It would have been a trifle had we only avowed enemies to contend with. The British court have disavowed all aid to the Indians. Whatever may have been their orders in that direction, the Indians are fully and notoriously supplied by their agents with everything necessary to carry on the war. Time will show how all this is to end. Besides the laws, journals and newspapers, before mentioned,

you will receive herewith the State constitutions, the census and almanac, and an answer to Lord Sheffield on our commerce. A cypher is ready for you, but cannot be sent till we can find a trusty passenger going to Paris.

I am, with great respect and esteem, dear Sir, your most obedient, and most humble servant.

Since writing the preceding, the two Houses have come to resolutions on the King's letter, which are enclosed in the President's, and copies of them accompany this for your use.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, March 18, 1792.

GENTLEMEN,—The President having thought proper to appoint you joint commissioners plenipotentiary, on the part of the United States, to treat with the court of Madrid on the subjects of the navigation of the Mississippi, arrangements on our limits, and commerce, you will herewith receive your commission; as also observations on these several subjects, reported to the President and approved by him, which will therefore serve as instructions for you. These expressing minutely the sense of our government and what they wish to have done, it is unnecessary for me to do more here than desire you to pursue these objects unremittingly, and endeavor to bring them to an issue in the course of the ensuing

summer. It is desirable that you should keep an exact journal of what shall pass between yourselves and the court or their negotiator, and communicate it from time to time to me, that your progress and prospects may be known. You will be the best judges whether to send your letters by Lisbon, Cadiz, or what other route; but we shall be anxious to hear from you as often as possible. If no safe conveyance occurs from Madrid to Lisbon, and your matter should be of importance sufficient to justify the expense, a courier must be sent; but do not incur the expense unless it be to answer some good end.

I have the honor to be, with great and sincere esteem, Gentlemen, your most obedient, and most humble servant.

TO WILLIAM SHORT, ESQ.

PHILADELPHIA, March 18, 1792.

SIR,—You will receive herewith a commission appointing Mr. Carmichael and yourself joint commissioners plenipotentiary for treating on the subject therein expressed with the Court of Madrid; to which place it is necessary of course that you repair. The instructions and other papers accompanying the commission, (and of which no duplicate is hazarded,) leave nothing to be added here but to express the desire that this object be pursued immediately. It is hoped that in consequence of my former letter you will have made the necessary arrangements for

an immediate departure on your receipt of this. You will of course apprise the Court at the Hague in the most respectful and friendly manner, that matters of high moment committed to you, oblige you to a temporary absence. You will then be pleased to proceed by such route as you think best to Madrid, taking care to furnish yourself from the representative of Spain at the Hague, or Paris, with such letters or passports as may ensure your papers from being taken out of your possession, or searched. You will judge from existing circumstances whether, when you approach the limits of Spain, it may not be prudent for you to ascertain previously that you will be permitted to pass unsearched. When arrived at Madrid, the other papers before mentioned mark out the line to be pursued. I am, with great and sincere esteem, Sir, your most obedient, and most humble servant.

TO WILLIAM SHORT.

PHILADELPHIA, March 18, 1792.

MY DEAR SIR,—I shall not repeat in this private dispatch anything said in the public ones sent herewith. I have avoided saying in them what you are to do, when the business you go on shall be finished or become desperate, because I hope to hear what you wish. It is decided that Carmichael will be permitted to come away at that precise epoch, so you need have no delicacy on that subject, if you chose

to remain there in your present grade. I become more and more satisfied that the Legislature will refuse the money for continuing any *diplomatic* character at the Hague. I hope you will consider success in the object you go on, as the most important one of your life: that you will meditate the matter day and night, and make yourself thoroughly master of it, in every possible form they may force you to discuss it. A former letter has apprised you of my private intentions at the close of the present federal cycle. My successor and his dispositions are equally unknown. The administration may change then in other of its parts. It is essential that this business be completed before any idea of these things get abroad. Otherwise Spain may delay in hopes of a change of consuls here. It will be a great comfort to leave this business safely and amicably settled, which has so long and immediately threatened our peace. Gardoqui will probably be the negotiator on their part. No attentions should be spared towards him, or the Count Florida Blanca. Let what will be said or done, preserve your *sang froid* immovably, and to every obstacle, oppose patience, perseverance, and soothing language. Pardon my sermonizing; it proceeds from the interest I feel in this business, and in your success. It will be well that you examine with the most minute attention all the circumstances which may enable you to judge and communicate to us whether the situation of Spain admits her to go to war.

The failure of some stock gamblers and some other circumstances, have brought the public paper low. The 6 per cents have fallen from 26 to 21¼, and bank stock from 115 or 120 to 73 or 74, within two or three weeks. This nefarious business is becoming more and more the public detestation, and cannot fail, when the knowledge of it shall be sufficiently extended, to tumble its authors headlong from their heights. Money is leaving the remoter parts of the Union, and flowing to this place to purchase paper; and here, a paper medium supplying its place, it is shipped off in exchange for luxuries. The value of property is necessarily falling in the places left bare of money. In Virginia, for instance, property has fallen 25 per cent. in the last twelve months. I wish to God you had some person who could dispose of your paper at a judicious moment for you, and invest it in good lands. I would do anything my duty would permit, but were I to advise your agent (who is himself a stock dealer) to sell out yours at this or that moment, it would be used as a signal to guide speculations. There can never be a fear but that the paper which represents the public debt will be ever sacredly good. The public faith is bound for this, and no change of system will ever be permitted to touch this; but no other paper stands on ground, equally sure. I am glad therefore that yours is all of this kind.

Some bishop of Spain, who was for some time in Mexico, found there copies of Cortez's correspondence,

and on his return to Spain, published them. I have made many efforts to get this book, but in vain. I must beg of you to procure it for me while there. It is not many years since it was published. I am, with constant and sincere attachment, dear Sir, your affectionate friend and servant.

TO MESSRS. DE VIAR AND DE JAUDENES.

PHILADELPHIA, March 23, 1792.

GENTLEMEN,—I have the honor to inform you that a commission has been issued to Mr. Carmichael and Mr. Short, as commissioners plenipotentiary for the United States, to confer, treat, and negotiate with any person or persons duly authorized by his Catholic Majesty, of and concerning the navigation of the river Mississippi, and such other matters relative to the confines of their territories, and the intercourse to be had thereon, as the mutual interests and general harmony of neighboring and friendly nations require should be precisely adjusted and regulated, and of and concerning the general commerce between the United States and the kingdom and dominions of his Catholic Majesty; and to conclude and sign a treaty or treaties, convention or conventions thereon, saving as usual the right of ratification, which commission is already on its way to Mr. Short, whom it will find at the Hague, and who is desired immediately to proceed to Madrid. I expect his route will be by Bordeaux, and thence

across the Pyrenees by the usual road. Might I hope your application to your court to send a passport and proper orders to their officers, where he must first enter the kingdom, to protect his passage into and through the kingdom, in order to prevent loss of time, which would be incurred by his waiting there till he could ask and receive a passport from Madrid? With the sincerest wishes that the matters not yet settled between the two countries may be so adjusted as to give a free course to that conduct on both sides which an unity of interest evidently prescribes, and with sentiments of perfect esteem and respect for yourselves, I have the honor to be, Gentlemen, your most obedient, and most humble servant.

TO COLONEL PICKERING.

PHILADELPHIA, March 28, 1792.

SIR,—The President has desired me to confer with you on the proposition I made the other day, of endeavoring to move the posts at the rate of one hundred miles a day. It is believed to be practicable here, because it is practised in every other country. The difference of expense alone appeared to produce doubts with you on the subject. If you have no engagement for dinner to-day, and will do me the favor to come and dine with me, we will be entirely alone, and it will give us time to go over the matter and weigh it thoroughly. I will, in that case, ask

the favor of you to furnish yourself with such notes as may ascertain the present expense of the posts, for one day in the week, to Boston and Richmond, and enable us to calculate the savings which may be made by availing ourselves of the stages. Be pleased to observe that the stages travel all the day. There seems nothing necessary for us then, but to hand the mail along through the night till it may fall in with another stage the next day, if motives of economy should oblige us to be thus attentive to small savings. If a little latitude of expense can be allowed, I should be for only using the stages the first day, and then have our riders. I am anxious that the thing should be begun by way of experiment, for a short distance, because I believe it will so increase the income of the post-office as to show we may go through with it. I shall hope to see you at three o'clock.

I am, with great esteem, Sir, your most obedient humble servant.

TO GEORGE HAMMOND.

PHILADELPHIA, March 31, 1792.

SIR,—I received yesterday your favor of the day before, and immediately laid it before the President of the United States. I have it in charge from him to express to you the perfect satisfaction which these assurances on the part of your court have given him, that Bowles, who is the subject of them, is an unau-

thorized impostor. The promptitude of their disavowal of what their candor had forbidden him to credit, is a new proof of their friendly dispositions, and a fresh incitement to us to cherish corresponding sentiments. To these we are led both by interest and inclination, and I am authorized to assure you that no occasion will be omitted on our part, of manifesting their sincerity. I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO GOVERNOR PINCKNEY.

PHILADELPHIA, April 1, 1792.

SIR,—Your letter of January the 8th to the President of the United States, having been referred to me, I have given the subject of it as mature consideration as I am able. Two neighboring and free governments, with laws equally mild and just, would find no difficulty in forming a convention for the interchange of fugitive criminals. Nor would two neighboring despotic governments, with laws of equal severity. The latter wish that no door should be opened to their subjects flying from the oppression of their laws. The fact is, that most of the governments on the continent of Europe have such conventions; but England, the only free one till lately, has never yet consented either to enter into a convention for this purpose, or to give up a fugitive. The diffi-

culty between a free government and a despotic one, is indeed great. I have the honor to enclose to your Excellency a sketch of the considerations which occurred to me on the subject, and which I laid before the President. He has, in consequence, instructed me to prepare a project of a convention, to be proposed to the court of Madrid, which I have accordingly done, and now enclose a copy of it. I wish it may appear to you satisfactory. Against property we may hope it would be effectual; whilst it leaves a door open to life and liberty except in a single unquestionable case. Messrs. Carmichael and Short will be instructed to make this one of the subjects of their negotiation with the court of Spain.

I have the honor to be, with sentiments of the most perfect esteem and respect, your Excellency's most obedient, and most humble servant.

TO THE COMMISSIONERS OF WASHINGTON.

PHILADELPHIA, April 9, 1792.

GENTLEMEN,—In a former letter I enclosed you an idea of Mr. Lee's for an immediate appropriation of a number of lots to raise a sum of money for erecting a national monument in the city of Washington. It was scarcely to be doubted but that you would avoid appropriations for matters of ornament till a sufficient sum should be secured out of the proceeds of your sales to accomplish the public buildings, bridges and other such objects as are essential. Mr.

Caracchi, the artist, who had proposed to execute the monument, has had hopes that a subscription set on foot for that purpose, would have sufficed to effect it. That hope is now over, and he is about to return to Europe. He is unquestionably an artist of the first class. He has had the advantage of taking the model of the President's person in plaster, equal to every wish in resemblance and spirit. It is pretty certain that the equestrian statue of the President can never be executed by an equal workman, who has had equal advantages, and the question is whether a prudent caution will permit you to enter into any engagement now, taking time enough before the term of payment to have accomplished the more material objects of the public buildings, etc. He says to execute the equestrian statue, with the cost of the materials, in marble, will be worth 20,000 guineas; that he would begin it on his return, if four or five years hence you can engage to pay him 20,000 dollars, and the same sum annually afterwards, till the whole is paid, before which time the statue shall be ready. It is rather probable that within some time Congress would take it off your hands, in compliance with an ancient vote of that body. The questions for your considerations are, whether, supposing no difficulty as to the means, you think such a work might be undertaken by you? Whether you can have so much confidence in the productiveness of your funds as to engage for a residuum of this amount, all more necessary objects being first secured, and that this

may be within the time before proposed? and, in fine, which will preponderate in your minds, the hazard of undertaking this now, or that of losing the aid of this artist? The nature of this proposition will satisfy you that it has not been communicated to the President, and of course would not be, unless a previous acceptance on your part, should render it necessary to obtain his sanction. Your answer is necessary for the satisfaction of Mr. Caracchi, at whose instance I submit the proposal to you, and who, I believe, will only wait here the return of that answer. I have the honor to be, with the most perfect esteem, Gentlemen, your most obedient, and most humble servant.

TO COLONEL NICHOLAS LEWIS.

PHILADELPHIA, April 12, 1792.

DEAR SIR,—Unremitting business must be my apology, as it is really the true one, for my having been longer without writing to you than my affections dictated. I am never a day without wishing myself with you, and more and more as the fine sunshine comes on, which was made for all the world but me. Congress will rise about the 21st. They have passed the Representation bill at one for thirty-three thousand, which gives to Virginia nineteen members. They have voted an army of five thousand men, and the President has given the command to General Wayne, with four brigadiers, to wit, Morgan, Brooks,

Willet and Wilkinson. Congress is now engaged on the ways and means of raising money to pay this army. A further assumption of State debt has been proposed by the Secretary of the Treasury, which has been rejected by a small majority; but the chickens of the treasury have so many contrivances, and are so indefatigable within doors and without, that we all fear they will get it in yet some way or other. As the doctrine is that a public debt is a public blessing, so they think a perpetual one is a perpetual blessing, and therefore wish to make it so large that we can never pay it off. Your friend and servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, April 13, 1792.

SIR,—I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Majesty, covering a clause of a statute of that country relative to its commerce with us, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the minister, as expressed in the letter and answer herein enclosed; and on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the

Islands of Jersey and Guernsey. The want of proportion between the motives expressed and the measure, its magnitude and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that government to concur with this in mutual offices of friendship and good will, support his construction. The minister, moreover, assured me verbally, that he would immediately write to his court for an explanation, and in the meantime, is of opinion that the usual intercourse of commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be, with sentiments of the most profound respect and attachment, Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, April 24, 1792.

GENTLEMEN,—My letter of March the 18th, conveyed to you full powers for treating with Spain on the subjects therein expressed. Since that, our attention has been drawn to the case of fugitive debtors and criminals, whereon it is always well that coterminous States should understand one another, as far as their ideas on the rightful powers of government can be made to go together. Where they sepa-

late, the cases may be left unprovided for. The enclosed paper, approved by the President, will explain to you how far we can go, in an agreement with Spain *for her territories bordering on us;* and the plan of a convention is there stated. You are desired to propose the matter to that court, and establish with them so much of it as they approve, filling up the blank for the manner of the demand by us and compliance with them, in such a way, as their laws and the organization of their government may require. But recollect that they bound on us between two and three thousand miles, and consequently, that they should authorize a delivery by some description of officers to be found on every inhabitable part of their border. We have thought it best to agree, specially, the manner of proceeding *in our country*, on a demand of theirs, because the convention will in that way execute itself, without the necessity of a new law for the purpose. Your general powers being comprehensive enough to take in this subject, no new ones are issued.

I have the honor to be, with great respect, Gentlemen, your most obedient, and most humble servant.

[The annexed are the papers referred to in the preceding.]

Project of a convention with the Spanish provinces.

Any person having committed murder or malice prepense, not of the nature of treason, within the

United States or the Spanish provinces adjoining thereto, and fleeing from the justice of the country, shall be delivered up by the government where he shall be found, to that from which he fled, whenever demanded by the same.

The manner of the demand by the Spanish government, and of the compliance by that of the United States, shall be as follows. The person authorized by the Spanish government where the murder was committed, to pursue the fugitive, may apply to any justice of the Supreme Court of the United States, or to the district judge of the place where the fugitive is, exhibiting proof on oath that a murder has been committed by the said fugitive within the said government, who shall thereon issue his warrant to the marshal or deputy marshal of the same place, to arrest the fugitive and have him before the said district judge; or the said pursuer may apply to such marshal or deputy marshal directly, who, on exhibition of proof as aforesaid, shall thereupon arrest the fugitive, and carry him before the said district judge; and when before him in either way, he shall within not less than —— days, nor more than ——, hold a special court of inquiry, causing a grand jury to be summoned thereto, and charging them to inquire whether the fugitive hath committed a murder, not of the nature of treason, within the province demanding him, and on their finding a true bill, the judge shall order the officer in whose custody the fugitive is, to deliver him over to the person authorized as

aforesaid to receive him, and shall give such further authorities to aid the said person in safe keeping and conveying the said fugitive to the limits of the United States, as shall be necessary and within his powers; and his powers shall expressly extend to command the aid of *posse* of every district through which the said fugitive is to be carried. And the said justices, judges and other officers, shall use in the premises the same process and proceedings, *mutatis mutandis*, and govern themselves by the same principles and rules of law, as in cases of murder committed on the high seas.

And the manner of demand by the United States and of compliance by the Spanish government, shall be as follows. The person authorized by a justice of the Supreme Court of the United States, or by the district judge where the murder was committed, to pursue the fugitive, may apply to ———

Evidence on oath, though written and *ex parte*, shall have the same weight with the judge and grand jury in the preceding cases, as if the same had been given before them orally and in presence of the prisoner.

The courts of justice of the said States and provinces, shall be reciprocally open for the demand and recovery of debts due to any person inhabiting the one, from any person fled therefrom and found in the other, in like manner as they are open to their own citizens; likewise, for the recovery of the property, or the value thereof, carried away from any

person inhabiting the one, by any person fled therefrom and found in the other, which carrying away shall give a right of civil action, whether the fugitive came to the original possession lawfully or unlawfully, even feloniously; likewise, for the recovery of damages sustained by any forgery committed by such fugitive. And the same provision shall hold in favor of the representatives of the original creditor or sufferer, and against the representatives of the original debtor, carrier away or forger; also, in favor of either government or of corporations, as of natural persons. But in no case, shall the person of the defendant be imprisoned for the debt, though the process, whether original, mesne, or final, be for the form sake directed against his person. If the time between the flight and the commencement of the action exceed not —— years, it shall be counted but as one day under any act of limitations.

This convention shall continue in force ——— years from the exchange of ratifications, and shall not extend to anything happening previous to such exchange.

Heads of consideration on the establishment of conventions between the United States and their neighbors, for the mutual delivery of fugitives from justice.

Has a nation a right to punish a person who has not offended itself? Writers on the law of nature agree that it has not. That, on the contrary, exiles

and fugitives are, to it, as other strangers, and have a right of residence, unless their presence would be noxious; *e. g.* infectious persons. One writer extends the exception to atrocious criminals, too imminently dangerous to society; namely, to pirates, murderers, and incendiaries. Vattel, L. 1. 5. 233.

The punishment of *piracy* being provided for by our laws, need not be so by convention.

Murder. Agreed that this is one of the extreme crimes justifying a denial of habitation, arrest and re-delivery. It should be carefully restrained by definition to homicide of *malice prepense, and not of the nature of treason.*

Incendiaries, or those guilty of *arson.* This crime is so rare as not to call for extraordinary provision by a convention. The only *rightful* subject then of arrest and delivery, for which we have *need*, is *murder.* Ought we to wish to strain the natural right of arresting and re-delivering fugitives to other cases?

The punishment of all real crimes is certainly desirable, as a security to society; the security is greater in proportion as the chances of avoiding punishment are less. But does the fugitive from his country avoid punishment? He incurs exile, not voluntary, but under a moral necessity as strong as physical. Exile, in some countries, has been the highest punishment allowed by the laws. To most minds it is *next to death;* to many *beyond it.* The fugitive indeed is not of the latter; he must estimate it somewhat *less than death.* It may be said that to *some*, as foreigners, it is no punishment.

Answer. These cases are few. Laws are to be made for the mass of cases.

The object of a convention then, in other cases, would be, that the fugitive might not avoid the *difference between exile and the legal punishment of the case*. Now in what case would this *difference* be so important, as to overweigh even the single inconvenience of multiplying compacts?

1. *Treason.* This, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the *government* and acts against the *oppressions of the government;* the latter are virtues; yet they have furnished more victims to the executioner than the former; because real treasons are rare; oppressions frequent. The unsuccessful strugglers against tyranny, have been the chief martyrs of treason laws in all countries.

Reformation of government with *our* neighbors, being as much wanted now as reformation of religion is, or ever was anywhere, we should not wish then, to give up to the executioner, the patriot who fails, and flees to us. Treasons then, taking the *simulated* with the *real*, are sufficiently punished by exile.

2. Crimes against *property;* the punishment in most countries, immensely disproportionate to the crime.

In England and probably in Canada, to steal a horse is death, the first offence; to steal above the

value of twelve pence is death, the second offence. All *excess* of punishment is a crime. To remit a fugitive to excessive punishment is to be accessary to the crime. Ought we to wish for the obligation, or the right to do it? Better, on the whole, to consider these crimes as sufficiently punished by the exile.

There is one crime, however, against property, pressed by its consequences into more particular notice, to wit:

Forgery, whether of *coin* or *paper;* and whether paper of *public* or *private* obligation. But the fugitive for forgery is punished by exile and confiscation of the property he leaves; to which add by convention, a civil action against the property he carries or acquires, to the amount of the special damage done by his forgery.

The *carrying away* of the property of another, may also be reasonably made to found a *civil* action. A convention then may include forgery and the carrying away the property of others, under the head of,

3. *Flight from debts.*

To remit the fugitive in this case, would be to remit him in every case. For in the present state of things, it is next to impossible not to owe something. But I see neither injustice nor inconvenience in permitting the fugitive to be sued in our courts. The laws of some countries punishing the unfortunate debtor by perpetual imprisonment, he is right to liberate himself by flight, and it would be wrong to re-imprison him in the country to which he flies.

Let all process, therefore, be confined to his property.

Murder, not amounting to treason, being the only case in which the fugitive is to be delivered:

On what *evidence*, and *by whom*, shall he be delivered?

In this country, let any justice of the Supreme Court of the United States, or other judge of the district where the fugitive is found, use the same proceedings as for a murder committed on the high seas, until the *finding* of the "*true bill*" by the grand jury; but evidence on oath from the country demanding him, though in *writing* and *ex parte*, should have the same effect as if delivered *orally* at the *examination*.

A true bill being found by the grand jury, let the officer in whose custody the fugitive is, deliver him to the person charged to demand and receive him.

In the British provinces adjoining us the same proceedings will do.

In the Spanish provinces, a proceeding adapted to the course of their laws should be agreed on.

March 22, 1792.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, April 28, 1792.

DEAR SIR,—My last letter to you was of the 10th of March. The preceding one of January the 23d, had conveyed to you your appointment as Minister

Plenipotentiary to the court of France. The present will, I hope, find you there. I now enclose you the correspondence between the Secretary of the Treasury and minister of France, on the subject of the moneys furnished to the distressed of their colonies. You will perceive that the minister chose to leave the adjustment of the terms to be settled at Paris, between yourself and the King's ministers. This you will therefore be pleased to do on this principle; that we wish to avoid any loss by the mode of payment, but would not choose to make a gain which should throw loss on them. But the letters of the Secretary of the Treasury will sufficiently explain the desire of the government, and be a sufficient guide to you.

I now enclose you the act passed by Congress for facilitating the execution of the consular convention with France. In a bill which has passed the House of Representatives for raising moneys for the support of the Indian war, while the duties on every other species of wine are raised from one to three-fourths more than they were, the best wines of France will pay little more than the worst of any other country, to wit, between six and seven cents a bottle; and where this exceeds forty per cent. on their cost, they will pay but the forty per cent. I consider this latter provision as likely to introduce in abundance the cheaper wines of France, and the more so, as the tax on ardent spirits is considerably raised. I hope that these manifestations of friendly

dispositions towards that country, will induce them to repeal the very obnoxious laws respecting our commerce, which were passed by the preceding National Assembly. The present session of Congress will pass over, without any other notice of them than the friendly preferences before mentioned. But if these should not produce a retaliation of good on their part, a retaliation of evil must follow on ours. It will be impossible to defer longer than the next session of Congress, some counter regulations for the protection of our navigation and commerce. I must entreat you therefore, to avail yourself of every occasion of friendly remonstrance on this subject. If they wish an equal and cordial treaty with us, we are ready to enter into it. We would wish that this could be the scene of negotiation, from considerations suggested by the nature of our government, which will readily occur to you. Congress will rise on this day sen'night. I enclose you a letter from Mrs. Greene, who asks your aid in getting her son forwarded by the Diligence to London, on his way to America. The letter will explain to you the mode and the means, and the parentage and genius of the young gentleman will insure your aid to him. As this goes by the French packet, I send no newspapers, laws, or other articles of that kind, the postage of which would be high.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 16, 1792.

DEAR SIR,—The day after your departure, I received from a Mr. Green, a merchant now at New York, through a third person, the following communication: "that he had had very *late* advices from Spain, *by way of the Spanish islands*, to this effect, that war with France was inevitable, that troops were marching from all quarters of the kingdom to the frontiers, and that fifty sail of the line had been commissioned." This was permitted to be mentioned to me, but, for particular reasons, to no other persons. I suppose the particular reasons were some mercantile speculation founded on the intelligence; perhaps it may be to buy up all our flour. We have London news from the 1st of April, and nothing of this is mentioned. I have a letter from Colonel Humphreys of March 18, which says nothing of it. I am in hopes, therefore, the only effect will be to get us a good price for our flour or fish; this being our look out, while the success of the speculation is that of the adventurer. You will recollect that we had learned the death of the Emperor of Morocco, after a battle in which he was victorious. The brother opposed to him, it seems, was killed in the same action, and the one—Muley Islema—who had been so long in the sanctuary, is proclaimed Emperor. He was the best character of the three, and is likely to be peaceable. This infor-

mation is from Colonel Humphreys. The Queen of Portugal is still in the same state. Wyllys does not pronounce her curable, though he says there is nothing which indicates the contrary. He has removed from her all her former physicians. Mr. Madison has favored me with some corrections for my letter to Mr. H. It is now in the hands of the Attorney General, and shall then be submitted to Colonel Hamilton. I find that these examinations will retard the delivery of it considerably. However, delay is preferable to error. Mr. Pinckney is engaged in going over such papers of my office as may put him in possession of whatever has passed between us and the court he is going to. I have one hundred olive trees, and some caper plants, arrived here from Marseilles, which I am sending on to Charleston, where, Mr. Pinckney tells me, they have already that number living of those I had before sent them. I have the honor to be, with sentiments of the most perfect respect and attachment, dear Sir, your most obedient, and most humble servant.

TO MESSRS. DE VIAR AND DE JAUDENES.

PHILADELPHIA, May 17, 1792.

GENTLEMEN,—We lately received from Mr. Leagrove, our Indian agent for the Southern Department, a letter, of which the enclosed is an extract, whereby it appeared that a party of the Creek Indians, under the influence of the adventurer

Bowles, had meditated some depredations on the Spanish settlements, from which they had been diverted by a friend of our agent, but that their disposition to do injury was, perhaps, not quite extinguished. Sensible how much it is in the power of neighbor nations to contribute to mutual happiness and prosperity, by faithfully using their good offices wherever they can procure the peace and advantage of each other, and feeling a union of interest with Spain in whatever regards the adjacent possessions, we have not hesitated to give general instructions to our agent in that department to cultivate in the Indians the same friendly dispositions towards the Spanish settlements as towards ourselves, and to promote their peace and interest in every case with the same zeal as our own.

I have the honor to enclose you one of those orders, to congratulate you on the intelligence that the leader, who gave occasion to this particular interposition, is no longer in a situation to threaten further danger, and to assure you that, as far as shall depend on us, we will, on every future occasion, sincerely use what influence we may have with the Indians to discountenance and prevent every measure they may meditate against the peace or prosperity of your subjects.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 18, 1792.

DEAR SIR,—Since I wrote you the day before yesterday, I have received a letter of March 25, from Colonel Humphreys, informing me that the Queen of Portugal was considerably better, as also mentioning the death of the Emperor of Germany. What effect this last event will have on the affairs of Europe, cannot be foreseen, the character of the successor being absolutely unknown. He is twenty-four years of age. One would conjecture that, if he has any dispositions to war, he would think a little time necessary to get his election passed in form, to see if the troubles within his dominions quieted by his father, would be likely to break out or not, etc., and that this would hold him back one campaign. Still, this event renders peace less certain, as the character of his father was so decidedly pacific, that one might count on that. There seems to have been a magnificent story current in London for the three or four last days of March, of the capture of Seringapatam and Tippoo Saib, great slaughter, etc.; but, on the 1st of April, the date of the latest paper which the vessel brings (she is from Glasgow), it had died away to a *hum* raised by stock jobbers, who wanted to sell out. It did in fact raise East India stock two or three per cent. Still it was not fallen into entire discredit, as appears by some paragraphs, and consequently cannot be decidedly pronounced untrue.

Perhaps the contradiction of it was the counter hum of those who wanted to buy in.

I have the honor to be, with great and sincere respect and attachment, dear Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, May 23, 1792.

DEAR SIR,—I have determined to make the subject of a letter what for some time past has been a subject of inquietude to my mind, without having found a good occasion of disburthening itself to you in conversation, during the busy scenes which occupied you here. Perhaps, too, you may be able in your present situation, or on the road, to give it more time and reflection than you could do here at any moment.

When you first mentioned to me your purpose of retiring from the government, though I felt all the magnitude of the event, I was in a considerable degree silent. I knew that, to such a mind as yours, persuasion was idle and impertinent; that before forming your decision you had weighed all the reasons for and against the measure, had made up your mind on full view of them, and that there could be little hope of changing the result. Pursuing my reflections, too, I knew we were some day to try to walk alone, and if the essay should be made while you should be alive and looking on, we

should derive confidence from that circumstance, and resource, if it failed. The public mind, too, was calm and confident, and therefore in a favorable state for making the experiment. Had no change of circumstances intervened, I should not, with any hopes of success, have now ventured to propose to you a change of purpose. But the public mind is no longer confident and serene; and that from causes in which you are no ways personally mixed. Though these causes have been hackneyed in the public papers in detail, it may not be amiss, in order to calculate the effect they are capable of producing, to take a view of them in the mass, giving to each the form, real or imaginary, under which they have been presented.

It has been urged, then, that a public debt, greater than we can possibly pay, before other causes of adding new debt to it will occur, has been artificially created by adding together the whole amount of the debtor and creditor sides of accounts, instead of only taking their balances, which could have been paid off in a short time: that this accumulation of debt has taken forever out of our power those easy sources of revenue which, applied to the ordinary necessities and exigencies of government, would have answered them habitually, and covered us from habitual murmurings against taxes and tax-gatherers, reserving extraordinary calls for those extraordinary occasions which would animate the people to meet them: that though the calls for

money have been no greater than we must expect generally, for the same or equivalent exigencies, yet we are already obliged to strain the impost till it produces clamor, and will produce evasion and war on our own citizens to collect it, and even to resort to an *excise* law of odious character with the people, partial in its operation, unproductive unless enforced by arbitrary and vexatious means, and committing the authority of the government in parts where resistance is most probable and coercion least practicable. They cite propositions in Congress, and suspect other projects on foot still to increase the mass of debt. They say, that by borrowing at two-thirds of the interest, we might have paid off the principal in two-thirds of the time; but that from this we are precluded by its being made irredeemable but in small portions and long terms; that this irredeemable quality was given it for the avowed purpose of inviting its transfer to foreign countries. They predict that this transfer of the principal, when completed, will occasion an exportation of three millions of dollars annually for the interest, a drain of coin, of which, as there has been no examples, no calculation can be made of its consequences: that the banishment of our coin will be complicated by the creation of ten millions of paper money, in the form of bank bills now issuing into circulation. They think the ten or twelve per cent. annual profit paid to the lenders of this paper medium taken out of the pockets of the people,

who would have had without interest the coin it is banishing: that all the capital employed in paper speculation is barren and useless, producing, like that on a gaming table, no accession to itself, and is withdrawn from commerce and agriculture, where it would have produced addition to the common mass: that it nourishes in our citizens habits of vice and idleness, instead of industry and morality: that it has furnished effectual means of corrupting such a portion of the legislature as turns the balance between the honest voters, whichever way it is directed: that this corrupt squadron, deciding the voice of the legislature, have manifested their dispositions to get rid of the limitations imposed by the Constitution on the general legislature, limitations, on the faith of which, the States acceded to that instrument: that the ultimate object of all this is to prepare the way for a change from the present republican form of government to that of a monarchy, of which the English Constitution is to be the model: that this was contemplated by the convention is no secret, because its partisans have made more of it. To effect it then was impracticable, but they are still eager after their object, and are predisposing everything for its ultimate attainment. So many of them have got into the Legislature, that, aided by the corrupt squadron of paper dealers, who are at their devotion, they make a majority in both houses. The republican party, who wish to preserve the government in its

present form, are fewer in number; they are fewer even when joined by the two, three, or half dozen anti-federalists, who, though they dare not avow it, are still opposed to any General Government; but, being less so to a republican than a monarchical one, they naturally join those whom they think pursuing the lesser evil.

Of all the mischiefs objected to the system of measures before mentioned, none is so afflicting and fatal to every honest hope, as the corruption of the Legislature. As it was the earliest of these measures, it became the instrument for producing the risk, and will be the instrument for producing in future a king, lords and commons, or whatever else those who direct it may choose. Withdrawn such a distance from the eye of their constituents, and these so dispersed as to be inaccessible to public information, and particularly to that of the conduct of their own representatives, they will form the most corrupt government on earth, if the means of their corruption be not prevented. The only hope of safety hangs now on the numerous representation which is to come forward the ensuing year. Some of the new members will be, probably, either in principle or interest, with the present majority; but it is expected that the great mass will form an accession to the republican party. They will not be able to undo all which the two preceding Legislatures, and especially the first, have done. Public faith and right will oppose this. But some parts

of the system may be rightfully reformed, a liberation from the rest unremittingly pursued as fast as right will permit, and the door shut in future against similar commitments of the nation. Should the next Legislature take this course, it will draw upon them the whole monarchical and paper interest; but the latter, I think, will not go all lengths with the former, because creditors will never, of their own accord, fly off entirely from their debtors; therefore, this is the alternative least likely to produce convulsion. But should the majority of the new members be still in the same principles with the present, and show that we have nothing to expect but a continuance of the same practices, it is not easy to conjecture what would be the result, nor what means would be resorted to for correction of the evil. True wisdom would direct that they should be temperate and peaceable; but the division of sentiment and interest happens unfortunately to be so geographical, that no mortal can say that what is most wise and temperate would prevail against what is most easy and obvious? I can scarcely contemplate a more incalculable evil than the breaking of the Union into two or more parts. Yet when we consider the mass which opposed the original coalescence; when we consider that it lay chiefly in the Southern quarter; that the Legislature have availed themselves of no occasion of allaying it, but on the contrary, whenever Northern and Southern prejudices have come into conflict,

the latter have been sacrificed and the former soothed; that the owners of the debt are in the Southern, and the holders of it in the Northern division; that the anti-federal champions are now strengthened in argument by the fulfillment of their predictions; that this has been brought about by the monarchical federalists themselves, who, having been for the new government merely as a stepping stone to monarchy, have themselves adopted the very constructions of the Constitution, of which, when advocating its acceptance before the tribunal of the people, they declared it unsusceptible; that the republican federalists who espoused the same government for its intrinsic merits, are disarmed of their weapons; that which they denied as prophecy, having now become true history, who can be sure that these things may not proselyte the small number which was wanting to place the majority on the other side? And this is the event at which I tremble, and to prevent which I consider your continuing at the head of affairs as of the last importance. The confidence of the whole Union is centred in you. Your being at the helm will be more than an answer to every argument which can be used to alarm and lead the people in any quarter, into violence and secession. North and South will hang together if they have you to hang on; and if the first correction of a numerous representation should fail in its effect, your presence will give time for trying others, not inconsistent with the union and peace of the States.

I am perfectly aware of the oppression under which your present office lays your mind, and of the ardor with which you pant for domestic life. But there is sometimes an eminence of character on which society have such peculiar claims as to control the predilections of the individual for a particular walk of happiness, and restrain him to that alone arising from the present and future benedictions of mankind. This seems to be your condition, and the law imposed on you by providence in forming your character, and fashioning the events on which it was to operate; and it is to motives like these, and not to personal anxieties of mine or others who have no right to call on you for sacrifices, that I appeal, and urge a revisal of it, on the ground of change in the aspect of things. Should an honest majority result from the new and enlarged representation; should those acquiesce whose principles or interest they may control, your wishes for retirement would be gratified with less danger, as soon as that shall be manifest, without awaiting the completion of the second period of four years. One or two sessions will determine the crisis; and I cannot but hope that you can resolve to add more to the many years you have already sacrificed to the good of mankind.

The fear of suspicion that any selfish motive of continuance in office may enter into this solicitation on my part, obliges me to declare that no such motive exists. It is a thing of mere indifference

to the public whether I retain or relinquish my purpose of closing my tour with the first periodical renovation of the government. I know my own measure too well to suppose that my services contribute anything to the public confidence, or the public utility. Multitudes can fill the office in which you have been pleased to place me, as much to their advantage and satisfaction. I have, therefore, no motive to consult but my own inclination, which is bent irresistibly on the tranquil enjoyment of my family, my farm and my books. I should repose among them, it is true, in far greater security, if I were to know that you remained at the watch; and I hope it will be so. To the inducements urged from a view of our domestic affairs, I will add a bare mention, of what indeed need only to be mentioned, that weighty motives for your continuance are to be found in our foreign affairs. I think it probable that both the Spanish and English negotiations, if not completed before your purpose is known, will be suspended from the moment it is known, and that the latter nation will then use double diligence in fomenting the Indian War. With my wishes for the future, I shall at the same time express my gratitude for the past, at least my portion in it; and beg permission to follow you, whether in public or private life, with those sentiments of sincere attachment and respect, with which I am unalterably, dear Sir, your affectionate friend and humble servant.

CIRCULAR TO THE AMERICAN CONSULS.

PHILADELPHIA, May 31, 1792.

SIR,—Congress having closed their session on the 8th instant, I have now the honor to forward you a copy of the laws passed thereat. One of these, chapter twenty-four, will require your particular attention, as it contains such regulations relative to the consular office, as it has been thought proper to establish legislatively.

With respect to the security required by the sixth section, I would prefer persons residing within the United States, where the party can procure such to be his security. In this case, his own bond duly executed may be sent to me, and his sureties here may enter into a separate bond. Where the party cannot conveniently find sureties within the United States, my distance and want of means of knowing their sufficiency, oblige me to refer him to the minister or chargé des affaires of the United States, within the same government, if there be one, and if not, then to the minister of the United States, resident at Paris. The securities which they shall approve, will be admitted as good. In like manner, the account for their disbursements, authorized by this law (and no other can be allowed), are to be settled at stated periods with the minister or chargé within their residence, if there be one, if none, then with the minister of the United States at Paris. The person who settles the account is authorized

to pay it. Our consuls in America are not meant to be included in these directions as to securityship and the settlement of their accounts, as their situation gives them a more convenient communication with me. It is also recommended to the consuls to keep an ordinary correspondence with the minister or chargé to whom they are thus referred; but it would be also useful, if they could forward directly to me, from time to time, the prices current of their place, and any other circumstance which it might be interesting to make known to our merchants without delay.

The prices of our funds have undergone some variations within the last three months. The six per cents were pushed by gambling adventurers up to twenty-six and a half, or twenty-seven and a half shillings the pound. A bankruptcy having taken place among these, and considerably affected the more respectable part of the paper holders, a greater quantity of paper was thrown suddenly on the market than there was demand or money to take up. The prices fell to nineteen shillings. This crisis has passed, and they are getting up towards their value. Though the price of public paper is considered as the barometer of the public credit, it is truly so only as to the general average of prices. The real credit of the United States depends on their ability, and the immutability of their will to pay their debts. These were as evident when their paper fell to nineteen shillings, as when it was at twenty-seven

shillings. The momentary variation was like that in the price of corn, or any other commodity, the result of a momentary disproportion between the demand and supply.

The unsuccessful issue of our expedition against the savages the last year, is not unknown to you. More adequate preparations are making for the present year, and in the meantime, some of the tribes have accepted peace, and others have expressed a readiness to do the same.

Another plentiful year has been added to those which had preceded it, and the present bids fair to be equally so. A prosperity built on the basis of agriculture is that which is most desirable to us, because to the efforts of labor it adds the efforts of a greater proportion of soil. The checks, however, which the commercial regulations of Europe have given to the sale of our produce, have produced a very considerable degree of domestic manufacture, which, so far as it is of the household kind, will doubtless continue, and so far as it is more public, will depend on the continuance or discontinuance of the European policy.

I am, with great esteem, Sir, your most obedient humble servant.

TO JOHN PAUL JONES.

PHILADELPHIA, June 1, 1792.

SIR,—The President of the United States having thought proper to appoint you commissioner for treating with the Dey and government of Algiers, on the subjects of peace and ransom of our captives, I have the honor to enclose you the commission, of which Mr. Thomas Pinckney, now on his way to London as our Minister Plenipotentiary there, will be the bearer. Supposing that there exists a disposition to thwart our negotiations with the Algerines, and that this would be very practicable, we have thought it advisable that the knowledge of this appointment should rest with the President, Mr. Pinckney and myself; for which reason you will perceive, that the commissions are all in my own handwriting. For the same reason, entire secrecy is recommended to you, and that you so cover from the public your departure and destination, as that they may not be conjectured or noticed; and at the same time, that you set out after as short delay as your affairs will possibly permit.

In order to enable you to enter on this business with full information, it will be necessary to give you a history of what has passed.

On the 25th of July, 1785, the schooner Maria, Captain Stevens, belonging to a Mr. Foster, of Boston, was taken off Cape St. Vincents, by an Algerine cruiser; and five days afterwards, the ship

Dauphin, Captain O'Bryan, belonging to Messrs. Irwins, of Philadelphia, was taken by another, about fifty leagues westward of Lisbon. These vessels, with their cargoes and crews, twenty-one persons in number, were carried into Algiers. Mr. John Lambe, appointed agent for treating of peace between the United States and the government of Algiers, was ready to set out from France on that business, when Mr. Adams and myself heard of these two captures. The ransom of prisoners being a case not existing when our powers were prepared, no provision had been made for it. We thought, however, we ought to endeavor to ransom our countrymen, without waiting for orders; but at the same time, that acting without authority, we should keep within the lowest price which had been given by any other nation. We therefore gave a supplementary instruction to Mr. Lambe to ransom our captives, if it could be done for two hundred dollars a man, as we knew that three hundred French captives had been just ransomed by the Mathurins, at a price very little above this sum. He proceeded to Algiers; but his mission proved fruitless. He wrote us word from thence, that the Dey asked fifty-nine thousand four hundred and ninety-six dollars for the twenty-one captives, and that it was not probable he would abate much from that price. But he never intimated an idea of agreeing to give it. As he has never settled the accounts of his mission, no further information has been received. It has

been said that he entered into a positive stipulation with the Dey, to pay for the prisoners the price above mentioned, or something near it; and that he came away with an assurance to return with the money. We cannot believe the fact true; and if it were, we disavow it totally, as far beyond his powers. We have never disavowed it formally, because it has never come to our knowledge with any degree of certainty.

In February, 1787, I wrote to Congress to ask leave to employ the Mathurins of France in ransoming our captives; and on the 19th of September, I received their orders to do so, and to call for the money from our bankers at Amsterdam, as soon as it could be furnished. It was long before they could furnish the money, and as soon as they notified that they could, the business was put into train by the General of the Mathurins, not with the appearance of acting for the United States, or with their knowledge, but merely on the usual ground of charity. This expedient was rendered abortive by the revolution of France, the derangement of ecclesiastical orders there and the revocation of church property, before any proposition, perhaps, had been made in form by the Mathurins to the Dey of Algiers. I have some reason to believe that Mr. Eustace, while in Spain, endeavored to engage the court of Spain to employ their Mathurins in this business; but whether they actually moved in it or not, I have never learned.

We have also been told, that a Mr. Simpson of Gibraltar, by the direction of the Messrs. Bulkeleys of Lisbon, contracted for the ransom of our prisoners (then reduced by death and ransom to fourteen) at thirty-four thousand seven hundred and ninety-two dollars. By whose orders they did it, we could never learn. I have suspected it was some association in London, which, finding the prices far above their conception, did not go through with their purpose, which probably had been merely a philanthropic one. Be this as it may, it was without our authority or knowledge.

Again, Mr. Cathalan, our consul at Marseilles, without any instruction from the government, and actuated merely, as we presume, by willingness to do something agreeable, set on foot another negotiation for their redemption; which ended in nothing.

These several volunteer interferences, though undertaken with good intentions, run directly counter to our plan; which was, to avoid the appearance of any purpose on our part ever to ransom our captives, and by that semblance of neglect, to reduce the demands of the Algerines to such a price, as might make it hereafter less their interest to pursue our citizens than any others. On the contrary, they have supposed all these propositions directly or indirectly came from us; they inferred from thence the greatest anxiety on our part, where we had been endeavoring to make them suppose there was none; kept up their demands for our

captives at the highest prices ever paid by any nation; and thus these charitable, though unauthorized interpositions, have had the double effect of strengthening the chains they were meant to break, and making us at last set a much higher rate of ransom for our citizens, present and future, than we probably should have obtained, if we had been left alone to do our own work in our own way. Thus stands this business then at present. A formal bargain, as I am informed, being registered in the books of the former Dey, on the part of the Bulkeleys of Lisbon, which they suppose to be obligatory on us, but which is to be utterly disavowed, as having never been authorized by us, nor its source even known to us.

In 1790, this subject was laid before Congress fully, and at the late session, moneys have been provided, and authority given to proceed to the ransom of our captive citizens at Algiers, provided it shall not exceed a given sum, and provided also, a peace shall be previously negotiated within certain limits of expense. And in consequence of these proceedings, your mission has been decided on by the President.

Since, then, no *ransom* is to take place without a *peace*, you will of course take up first the negotiation of peace; or, if you find it better that peace and ransom should be treated of together, you will take care that no agreement for the latter be concluded, unless the former be established before or in the same instant.

As to the conditions, it is understood that no peace can be made with that government, but for a larger sum of money to be paid at once for the whole time of its duration, or for a smaller one to be annually paid. The former plan we entirely refuse, and adopt the latter. We have also understood that peace might be bought cheaper with naval stores than with money; but we will not furnish them with naval stores, because we think it not right to furnish them means which we know they will employ to do wrong, and because there might be no economy in it as to ourselves, in the end, as it would increase the expenses of that coercion which we may in future be obliged to practise towards them. The only question then, is, what sum of *money* will we agree to pay them *annually*, for peace? By a letter from Captain O'Bryan, a copy of which you will receive herewith, we have his opinion that a peace could be purchased with *money*, for sixty thousand pounds sterling, or with *naval stores*, for one hundred thousand dollars. An annual payment equivalent to the first, would be three thousand pounds sterling, or thirteen thousand and five hundred dollars, the interest of the sum in gross. If we could obtain it for as small a sum as the second, in *money*, the annual payment equivalent to it would be five thousand dollars. In another part of the same letter, Captain O'Bryan says, "if maritime stores and two light cruisers be given, and a tribute paid in maritime stores every two

years, amounting to twelve thousand dollars in America," a peace can be had. The gift of stores and cruisers here supposed, converted into an annual equivalent, may be stated at nine thousand dollars, and adding to it half the biennial sum, would make fifteen thousand dollars, to be annually paid. You will, of course, use your best endeavors to get it at the lowest sum practicable; whereupon I shall only say, that we should be pleased with ten thousand dollars, contented with fifteen thousand, think twenty thousand a very hard bargain, yet go as far as twenty-five thousand, if it be impossible to get it for less; but not a copper further, this being fixed by law as the utmost limit. These are meant as annual sums. If you can put off the first annual payment to the end of the first year, you may employ any sum not exceeding that, in presents to be paid down; but if the first payment is to be made in hand, that and the presents cannot by law exceed twenty-five thousand dollars.

And here we meet a difficulty, arising from the small degree of information we have respecting the Barbary States. Tunis is said to be tributary to Algiers. But whether the effect of this be, that peace being made with Algiers, is of course with the Tunisians without separate treaty, or separate price, is what we know not. If it be possible to have it placed on this footing, so much the better. In any event, it will be necessary to stipulate with Algiers, that her influence be interposed as strongly as pos-

sible with Tunis, whenever we shall proceed to treat with the latter; which cannot be till information of the event of your negotiation, and another session of Congress.

As to the articles and form of the treaty in general, our treaty with Morocco was so well digested that I enclose you a copy of that, to be the model with Algiers, as nearly as it can be obtained, only inserting the clause with respect to Tunis.

The ransom of the captives is next to be considered. They are now thirteen in number; to wit, Richard O'Bryan and Isaac Stevens, captains, Andrew Montgomery and Alexander Forsyth, mates, Jacob Tessanier, a French passenger, William Patterson, Philip Sloan, Peleg Lorin, James Hall, James Cathcart, George Smith, John Gregory, James Hermit, seamen. It has been a fixed principle with Congress, to establish the rate of ransom of American captives with the Barbary States at as low a point as possible, that it may not be the interest of those States to go in quest of our citizens in preference to those of other countries. Had it not been for the danger it would have brought on the residue of our seamen, by exciting the cupidity of those rovers against them, our citizens now in Algiers would have been long ago redeemed, without regard to price. The mere money for this particular redemption neither has been, nor is, an object with anybody here. It is from the same regard to the safety of our seamen at large, that they have now restrained us from

any ransom unaccompanied with peace. This being secured, we are led to consent to terms of ransom, to which, otherwise, our government never would have consented; that is to say, to the terms stated by Captain O'Bryan in the following passage of the same letter: "By giving the minister of the marine (the present Dey's favorite) the sum of one thousand sequins, I would stake my life that we would be ransomed for thirteen thousand sequins, and all expenses included." Extravagant as this sum is, we will, under the security of peace in future, go so far; not doubting, at the same time, that you will obtain it as much lower as possible, and not indeed without a hope that a lower ransom will be practicable, from the assurances given us in other letters from Captain O'Bryan, that prices are likely to be abated by the present Dey, and particularly with us, towards whom he has been represented as well disposed. You will consider this sum, therefore, say twenty-seven thousand dollars, as your ultimate limit, including ransom, duties, and gratifications of every kind.

As soon as the ransom is completed, you will be pleased to have the captives well clothed and sent home at the expense of the United States, with as much economy as will consist with their reasonable comfort. It is thought best, that Mr. Pinckney, our minister at London, should be the confidential channel of communication between us. He is enabled to answer your drafts for money within

the limits before expressed; and as this will be by re-drawing on Amsterdam, you must settle with him the number of days *after sight*, at which your bills shall be payable in London, so as to give him time, in the meanwhile, to draw the money from Amsterdam.

We shall be anxious to know as soon and as often as possible, your prospects in these negotiations. You will receive herewith a cypher, which will enable you to make them with safety. London and Lisbon (where Colonel Humphreys will forward my letters) will be the safest and best ports of communication. I also enclose two separate commissions, for the objects of peace and ransom. To these is added a commission to you as consul for the United States, at Algiers, on the possibility that it might be useful for you to remain there till the ratification of the treaties shall be returned from hence; though you are not to delay till their return the sending the captives home, nor the necessary payments of money within the limits before prescribed. Should you be willing to remain there, even after the completion of the business, as consul for the United States, you will be free to do so, giving me notice, that no other nomination may be made. These commissions, being issued during the recess of the Senate, are in force, by the Constitution, only till the next session of the Senate. But their renewal then is so much a matter of course and of necessity, that you may consider that as

certain, and proceed without any interruption. I have not mentioned this in the commissions, because it is in all cases surplusage, and because it might be difficult of explanation to those to whom you are addressed.

The allowance for all your expenses and time (exclusive of the ransom, price of peace, duties, presents, maintenance and transportation of the captives) is at the rate of two thousand dollars a year, to commence from the day on which you shall set out for Algiers, from whatever place you may take your departure. The particular objects of peace and ransom once out of the way, the two thousand dollars annually are to go in satisfaction of time, services, and expenses of every kind, whether you act as consul or commissioner.

As the duration of this peace cannot be counted on with certainty, and we look forward to the necessity of coercion by cruises on their coast, to be kept up during the whole of their cruising season, you will be pleased to inform yourself, as minutely as possible, of every circumstance which may influence or guide us in undertaking and conducting such an operation, making your communications by safe opportunities.

I must recommend to your particular notice, Captain O'Bryan, one of the captives, from whom we have received a great deal of useful information. The zeal which he has displayed under the trying circumstances of his present situation, has been

very distinguished. You will find him intimately acquainted with the manner in which, and characters with whom business is to be done there, and perhaps he may be an useful instrument to you, especially in the outset of your undertaking, which will require the utmost caution and the best information. He will be able to give you the characters of the European consuls there, though you will, probably, not think it prudent to repose confidence in any of them.

Should you be able successfully to accomplish the objects of your mission in time to convey notice of it to us as early as possible during the next session of Congress, which meets in the beginning of November and rises the 4th of March, it would have a very pleasant effect.

I am, with great esteem, Sir, your most obedient, and most humble servant.

TO JAMES MADISON.

PHILADELPHIA, June 4, 1792.

DEAR SIR,—I wrote you on the 1st inst., which I will call No. 1, and number my letters in future that you may know when any are missing. Mr. Hammond has given me an answer in writing, saying, he must send my letter to his court and wait their instructions. On this I desired a personal interview, that we might consider the matter together in a familiar way. He came accordingly,

yesterday, and took a solo dinner with me, during which our conversation was full, unreserved, and of a nature to inspire mutual confidence. The result was that he acknowledged explicitly that his country had hitherto heard one side of the question only, and that from prejudiced persons, that it was now for the first time discussed, that it was placed on entirely new ground, his court having no idea of a charge of first infractions on them, and a justification on that ground of what had been done by our States, that this made it quite a new case to which no instructions he had could apply. He found, from my expressions, that I had entertained an idea of his being able to give an order to the Governor of Canada to deliver up the posts, and smiled at the idea; and it was evident from his conversation that it had not at all entered into the expectations of his court that they were to deliver up the posts. He did not say so expressly, but he said that they considered the retaining of the posts as a very imperfect compensation for the losses their subjects had sustained; under the cover of the clause of the treaty which admits them to the navigation of the Mississippi, and the evident mistake of the negotiators in supposing that a line due west from the Lake of the Woods would strike the Mississippi, he supposes an explanatory convention necessary, and showed a desire that such a slice of our Northwestern Territory might be cut off for them as would admit them to the navigation

and profit of the Mississippi, etc., etc. He expects he can have his final instructions by the meeting of Congress. I have not yet had the conversation mentioned in my last. Do you remember that you were to leave me a list of names? Pray send them to me. My only view is that, if the P. asks me for a list of particulars, I may enumerate names to him, without naming my authority, and show him that I had not been speaking merely at random. If we do not have our conversation before, I can make a comparative table of the debts and numbers of all modern nations. I will show him how high we stand indebted by the poll in that table. I omitted Hammond's admission that the debt from the Potomac North might be considered as liquidated, that that of Virginia was now the only great object, and cause of anxiety, amounting to two millions sterling. Adieu. Yours affectionately.

TO THOMAS BARCLAY, ESQUIRE.

PHILADELPHIA, June 11, 1792.

SIR,—Congress having furnished me with means for procuring peace, and ransoming our captive citizens from the government of Algiers, I have thought it best, while you are engaged at Morocco, to appoint Admiral Jones to proceed to Algiers, and therefore have sent him a commission for establishing peace, another for the ransom of our captives, and a third to act there as consul for the

United States, and full instructions are given in a letter from the Secretary of State to him, of all which papers, Mr. Pinckney, now proceeding to London as our Minister Plenipotentiary there, is the bearer, as he is also of this letter. It is some time, however, since we have heard of Admiral Jones, and as in the event of any accident to him, it might occasion an injurious delay, were the business to await new commissions from hence, I have thought it best in such an event, that Mr. Pinckney should forward to you all the papers addressed to Admiral Jones, with this letter, signed by myself, giving you authority on receipt of those papers, to consider them addressed to you, and to proceed under them in every respect as if your name stood in each of them in the place of that of John Paul Jones. You will of course finish the business of your mission to Morocco with all the dispatch practicable, and then proceed to Algiers on that hereby confided to you, where this letter, with the commissions addressed to Admiral Jones, and an explanation of circumstances, will doubtless procure you credit as acting in the name and on the behalf of the United States, and more especially when you shall efficaciously prove your authority by the fact of making on the spot, the payments you shall stipulate. With full confidence in the prudence and integrity with which you will fulfill the objects of the present mission, I give to this letter the effect of a commission and full powers, by hereunto

subscribing my name, this eleventh day of June, one thousand seven hundred and ninety-two.

TO THOMAS PINCKNEY.

PHILADELPHIA, June 11, 1792.

DEAR SIR,—I have already had the honor of delivering to you your commission as Minister Plenipotentiary of the United States at the court of London, and have now that of enclosing your letter of credence to the King, sealed, and a copy of it open for your own information. Mr. Adams, your predecessor, seemed to understand, on his being presented to that court, that a letter was expected for the Queen also. You will be pleased to inform yourself whether the custom of that court requires this from us: and to enable you to comply with it, if it should, I enclose a letter sealed for the Queen, and a copy of it open for your own information. Should its delivery not be requisite you will be so good as to return it, as we do not wish to set a precedent which may bind us hereafter to a single unnecessary ceremony. To you, Sir, it will be unnecessary to undertake a general delineation of the duties of the office to which you are appointed. I shall therefore only express a desire that they be constantly exercised in that spirit of sincere friendship which we bear to the English nation, and that in all transactions with the minister, his good dispositions be conciliated by whatever in language

or attentions may tend to that effect. With respect to their government, or policy, as concerning themselves or other nations, we wish not to intermeddle in word or deed, and that it be not understood that our government permits itself to entertain either a will or opinion on the subject.

I particularly recommend to you, as the most important of your charges, the patronage of our commerce, and its liberation from embarrassments in all the British dominions; but most especially in the West Indies. Our consuls in Great Britain and Ireland are under general instructions to correspond with you, as you will perceive by a copy of a circular letter lately written to them, and now enclosed. From them you may often receive interesting information. Mr. Joshua Johnson is consul for us at London, James Maury, at Liverpool, Elias Vanderhorst, at Bristol, Thomas Auldjo, vice-consul at Pool (resident at Cowes), and William Knox, consul at Dublin. The jurisdiction of each is exclusive and independent and extends to all places within the same allegiance nearer to him than to the residence of any other consul or vice-consul of the United States. The settlement of their accounts from time to time, and the payment of them, are referred to you, and in this, the act respecting consuls and any other laws made, or to be made, are to be your guide. Charges which these do not authorize, you will be pleased not to allow. These accounts are to be settled up to the

first day of July in every year, and to be transmitted to the Secretary of State.

The peculiar custom in England, of impressing seamen on every appearance of war, will occasionally expose our seamen to peculiar oppressions and vexations. These will require your most active exertions and protection, which we know cannot be effectual without incurring considerable expense; and as no law has as yet provided for this, we think it fairer to take the risk of it on the executive than to leave it on your shoulders. You will, therefore, with all due economy, and on the best vouchers the nature of the case will admit, meet those expenses, transmitting an account of them to the Secretary of State, to be communicated to the Legislature. It will be expedient that you take proper opportunities in the meantime, of conferring with the minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him, which was, that our seamen should always carry about them certificates of their citizenship. This is a condition never yet submitted to by any nation, one with which seamen would never have the precaution to comply; the casualties of their calling would expose them to the constant destruction or loss of this paper evidence, and thus, the British government would be armed with *legal authority* to impress the whole of

our seamen. The simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such. If they apprehend that our vessels might thus become asylums for the fugitives of their own nation from impress-gangs, the number of men to be protected by a vessel may be limited by her tonnage, and one or two officers only be permitted to enter the vessel in order to examine the numbers on board; but no press-gang should be allowed ever to go on board an American vessel, till after it shall be found that there are more than their stipulated number on board, nor till after the master shall have refused to deliver the supernumeraries (to be named by himself) to the press-officer who has come on board for that purpose; and even then, the American consul should be called in. In order to urge a settlement of this point, before a new occasion may arise, it may not be amiss to draw their attention to the peculiar irritation excited on the last occasion, and the difficulty of avoiding our making immediate reprisals on their seamen here. You will be so good as to communicate to me what shall pass on this subject, and it may be made an article of convention, to be entered into either there or here.

You will receive herewith a copy of the journals of the ancient Congress, and of the laws, journals and reports of the present. Those for the future, with gazettes and other interesting papers, shall be sent you from time to time; and I shall leave

you generally to the gazettes, for whatever information is in possession of the public, and shall especially undertake to communicate by letter, such only relative to the business of your mission as the gazetteers cannot give. From you I ask, once or twice a month, a communication of interesting occurrences in England, of the general affairs of Europe, the court gazette, the best paper in the interest of the ministry and the best of the opposition party, most particularly, that one of each which shall give the best account of the debates of parliament, the parliamentary register annually, and such other political publications as may be important enough to be read by one who can spare little time to read anything, or which may contain matter proper to be kept and turned to, on interesting subjects and occasions. The English packet is the most certain channel for such epistolary communications as are not very secret, and intermediate occasions by private vessels may be resorted to for secret communications, and for such as would come too expensively burthened with postage, by the packets. You are furnished with a cypher for greater secrecy of communication. To the papers before mentioned, I must desire you to add the Leyden gazette, paper by paper as it comes out, by the first vessel sailing after its receipt.

I enclose you the papers in the case of a Mr. Wilson, ruined by the capture of his vessel, after the term limited by the armistice. They will

inform you of the circumstances of his case, and where you may find him personally, and I recommend his case to your particular representations to the British court. It is possible that other similar cases may be transmitted to you. You have already received some letters of Mr. Adams' explanations of the principles of the armistice, and of what had passed between him and the British minister on the subject.

Mr. Greene, of Rhode Island, will deliver you his papers, and I am to desire that you may patronize his claims so far as shall be just and right, leaving to himself and his agent to follow up the minute details of solicitation, and coming forward yourself only when there shall be proper occasion for you to do so in the name of your nation.

Mr. Cutting has a claim against the government, vouchers for which he is to procure from England. As you are acquainted with the circumstances of it, I have only to desire that you will satisfy yourself as to the facts relative thereto, the evidence of which cannot be transmitted, and that you will communicate the same to me, that justice may be done between the public and the claimant.

We shall have occasion to ask your assistance in procuring a workman or two for our mint; but this shall be the subject of a separate letter, after I shall have received more particular explanations from the director of the mint.

I have the honor to be, with great and sincere

esteem, dear Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, June 11, 1792.

SIR,—The letter I have addressed to Admiral Jones, of which you have had the perusal, has informed you of the mission with which the President has thought proper to charge him at Algiers, and how far your agency is desired for conveying to him the several papers, for receiving and paying his drafts to the amount therein permitted, by re-drawing yourself on our bankers in Amsterdam who are instructed to honor your bills, and by acting as a channel of correspondence between us. It has been some time, however, since we have heard of Admiral Jones. Should any accident have happened to his life, or should you be unable to learn where he is, or should distance, refusal to act, or any other circumstance deprive us of his services on this occasion, or be likely to produce too great a delay, of which you are to be the judge, you will then be pleased to send all the papers confided to you for him, to Mr. Thomas Barclay, our consul at Morocco, with the letter addressed to him, which is delivered you open, and by which you will perceive that he is, in that event, substituted to every intent and purpose in the place of Admiral Jones. You will be pleased not to pass any of the papers

confided to you on this business, through any post office.

I have the honor to be, with great and sincere esteem, Sir, your most obedient humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, June 14, 1792.

SIR,—The United States being now about to establish a mint, it becomes necessary to ask your assistance in procuring persons to carry on some parts of it; and to enable you to give it, you must be apprised of some facts.

Congress, some time ago, authorized the President to take measures for procuring some artists from any place where they were to be had. It was known that a Mr. Drost, a Swiss, had made an improvement in the method of coining, and some specimens of his coinage were exhibited here, which were superior to anything we had ever seen. Mr. Short was, therefore, authorized to engage Drost to come over, to erect the proper machinery, and instruct persons to go on with the coinage; and as he supposed this would require about a year, we agreed to give him a thousand louis a year and his expenses. The agreement was made, two coining mills, or screws, were ordered by him; but in the end, he declined coming. We have reason to believe he was drawn off by the English East India Company, and that he is now at work for them in

England. Mr. Bolton had also made a proposition to coin for us in England, which was declined. Since this, the act has been passed for establishing our mint, which authorizes, among other things, the employment of an assayer at fifteen hundred dollars a year, a chief coiner at the same, and an engraver at twelve hundred dollars. But it admits of the employment of one person, both as engraver and chief coiner; this we expect may be done, as we presume that any engraver who has been used to work for a coinage, must be well enough acquainted with all the operations of coinage to direct them; and it is an economy worth attention, if we can have the services performed by one officer instead of two, in which case, it is proposed to give him the salary of the chief coiner, that is to say, fifteen hundred dollars a year. I have, therefore, to request that you will endeavor, on your arrival in Europe, to engage and send us an assayer of approved skill and well-attested integrity, and a chief coiner and engraver, in one person, if possible, acquainted with all the improvements in coining, and particularly those of Drost and Bolton. Their salaries may commence from the day of their sailing for America. If Drost be in England, I think he will feel himself under some obligation to aid you in procuring persons. How far Bolton will do it, seems uncertain. You will, doubtless, make what you can of the good dispositions of either of these or any other person. Should you find it imprac-

ticable to procure an engraver capable of performing the functions of chief coiner also, we must be content that you engage separate characters. Let these persons bring with them all the implements necessary for carrying on the business, except such as you shall think too bulky and easily made here. It would be proper, therefore, that they should consult you as to the necessary implements and their prices, that they may act under your control. The method of your paying for these implements and making reasonable advances to the workmen, shall be the subject of another letter, after the President shall have decided thereon. It should be a part of the agreement of these people, that they will faithfully instruct all persons in their art, whom we shall put under them for that purpose. Your contract with them, may be made for any term not exceeding four years.

I have the honor to be, with great and much esteem, dear Sir, your most obedient, and most humble servant.

P. S. Should you not be able to procure persons of eminent qualifications for their business, in England, it will be proper to open a correspondence with Mr. Morris on the subject, and see whether he cannot get such from France. Next to the obtaining the ablest artists, a very important circumstance is to send them to us as soon as possible.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, June 16, 1792.

DEAR SIR,—My last to you was of March the 28th. Yours of April the 6th and 10th came to hand three days ago.

With respect to the particular objects of commerce susceptible of being placed on a better footing, on which you ask my ideas, they will show themselves by the enclosed table of the situation of our commerce with France and England. That with France is stated as it stood at the time I left that country, when the only objects whereon change was still desirable, were those of salted provisions, tobacco and tar, pitch and turpentine. The first was in negotiation when I came away, and was pursued by Mr. Short with prospects of success, till their general tariff so unexpectedly deranged our commerce with them as to other articles. Our commerce with their West Indies had never admitted amelioration during my stay in France. The temper of that period did not allow even the essay, and it was as much as we could do to hold the ground given us by the Marshal de Castries' *Arret*, admitting us to their colonies with salted provisions, etc. As to both these branches of commerce, to wit, with France and her colonies, we have hoped they would pursue their own proposition of arranging them by treaty, and that we could draw that treaty to this place. There is no other where the dependence

of their colonies on our States for their prosperity is so obvious as here, nor where their negotiator would feel it so much. But it would be imprudent to leave to the uncertain issue of such a treaty, the re-establishment of our commerce with *France* on the footing on which it was in the beginning of their revolution. That treaty may be long on the anvil; in the meantime, we cannot consent to the late innovations, without taking measures to do justice to our own navigation. This object, therefore, is particularly recommended to you, while you will also be availing yourself of every opportunity which may arise, of benefiting our commerce in any other part. I am in hopes you will have found the moment favorable on your arrival in France, when Monsieur Claviere was in the ministry, and the dispositions of the National Assembly favorable to the ministers. Your cypher has not been sent hitherto, because it required a most confidential channel of conveyance. It is now committed to Mr. Pinckney, who also carries the gazettes, laws, and other public papers for you. We have been long without any vessel going to Havre. Some of the Indian tribes have acceded to terms of peace. The greater part, however, still hold off, and oblige us to pursue more vigorous measures for war. I enclose you an extract from a circular letter to our consuls, by which you will perceive that those in countries where we have no diplomatic representative are desired to settle their accounts annually

with the minister of the United States at Paris. This business, I must desire you to undertake. The act concerning consuls will be your guide, and I shall be glad that the first of July be the day to which their accounts shall be annually settled and paid, and that they may be forwarded as soon after that as possible to the office of the Secretary of State, to enter into the general account of his department, which it is necessary he should make up always before the meeting of Congress.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. I have said nothing of our whale oil, because I believe it is on a better footing since the tariff than before.

TO MONSIEUR DE LA FAYETTE.

PHILADELPHIA, June 16, 1792.

Behold you, then, my dear friend, at the head of a great army establishing the liberties of your country against a foreign enemy. May heaven favor your cause, and make you the channel through which it may pour its favors. While you are estimating the monster Aristocracy, and pulling out the teeth and fangs of its associate, Monarchy, a contrary tendency is discovered in some here. A sect has shown itself among us, who declare they espoused our new Constitution not as a good and

sufficient thing in itself, but only as a step to an English constitution, the only thing good and sufficient in itself, in their eye. It is happy for us that these are preachers without followers, and that our people are firm and constant in their republican purity. You will wonder to be told that it is from the eastward chiefly that these champions for a king, lords, and commons, come. They get some important associates from New York, and are puffed up by a tribe of Agioteurs which have been hatched in a bed of corruption made up after the model of their beloved England. Too many of these stock-jobbers and king-jobbers have come into our Legislature, or rather too many of our Legislature have become stock-jobbers and king-jobbers. However, the voice of the people is beginning to make itself heard, and will probably cleanse their seats at the ensuing election. The machinations of our old enemies are such as to keep us still at bay with our Indian neighbors. What are you doing for your colonies? They will be lost, if not more effectually succored. Indeed, no future efforts you can make will ever be able to reduce the blacks. All that can be done, in my opinion, will be to compound with them, as has been done formerly in Jamaica. We have been less zealous in aiding them, lest your government should feel any jealousy on our account. But, in truth, we as sincerely wish their restoration and their connection with you, as you do yourselves.

We are satisfied that neither your justice nor their distresses will ever again permit their being forced to seek at dear and distant markets those first necessaries of life which they may have at cheaper markets, placed by nature at their door, and formed by her for their support. What is become of Madame de Tessy and Madame de Tott? I have not heard of them since they went to Switzerland. I think they would have done better to have come and reposed under the poplars of Virginia. Pour into their bosoms the warmest effusions of my friendship, and tell them they will be warm and constant unto death. Accept of them also for Madame de La Fayette, and your dear children; but I am forgetting that you are in the field of war, and they I hope in those of peace. Adieu, my dear friend. God bless you all. Yours affectionately.

TO JOEL BARLOW.

PHILADELPHIA, June 20, 1792.

DEAR SIR,—Though I am in hopes you are now on the ocean home-bound, yet I cannot omit the chance of my thanks reaching you, for your "Conspiracy of Kings" and advice to the privileged orders, the second part of which I am in hopes is out by this time. Be assured that your endeavors to bring the trans-Atlantic world into the road of reason, are not without their effect here. Some here are disposed to move retrograde,

and to take their stand in the rear of Europe, now advancing to the high ground of natural right; but of all this your friend Mr. Baldwin gives you information, and doubtless paints to you the indignation with which the heresies of some people here fill us.

This will be conveyed by Mr. Pinckney, an honest, sensible man, and good republican. He goes our Minister Plenipotentiary to London. He will arrive at an interesting moment in Europe. God send that all the nations who join in attacking the liberties of France may end in the attainment of their own. I still hope this will not find you in Europe, and therefore add nothing more than assurances of affectionate esteem from, dear Sir, your sincere friend and servant.

TO PETER CARR.

PHILADELPHIA, June 22, 1792.

DEAR SIR,—I received in due time your favor of May 28, with the notes it contained on the subject of Waste. Your view of the subject, as far as it goes, is perfectly proper. Perhaps, on such a question in this country, where the husbandry is so different, it might be necessary to go further, and inquire whether any difference of this kind should produce a difference in the law. The main objects of the law of waste in England are, 1st, to prevent any disguise of the lands which might lessen the

revisioner's evidence of title, such as the change of pasture into arable; 2d, to prevent any deterioration of it, as the cutting down forest, which in England is an injury. So careful is the law there against permitting a deterioration of the land, that though it will permit such improvements *in the same line*, as manuring arable lands, leading water into pasture lands, etc., yet it will not permit improvements *in a different line*, such as erecting buildings, converting pasture into arable, etc., lest this should lead to a deterioration. Hence we might argue in Virginia, that though the cutting down of forest in Virginia is, in our husbandry, rather an improvement generally, yet it is not so always, and therefore it is safer never to admit it. Consequently, there is no reason for adopting different rules of waste here from those established in England.

Your objection to Lord Kaims, that he is too metaphysical, is just, and it is the chief objection to which his writings are liable. It is to be observed also, that though he has given us what should be the system of equity, yet it is not the one actually established, at least not in all its parts. The English Chancellors have gone on from one thing to another without any comprehensive or systematic view of the whole field of equity, and therefore they have sometimes run into inconsistencies and contradictions.

Never fear the want of business. A man who

qualifies himself well for his calling, never fails of employment in it. The foundation you will have laid in legal reading, will enable you to take a higher ground than most of your competitors, and even ignorant men can see who it is that is not one of themselves. Go on then with courage, and you will be sure of success; for which be assured no one wishes more ardently, nor has more sincere sentiments of friendship towards you, than, dear Sir, your affectionate friend.

TO MR. VAN BERCKEL.

PHILADELPHIA, July 2, 1792.

SIR,—It was with extreme concern that I learned from your letter of June the 25th, that a violation of the protection due to you as the representative of your nation had been committed, by an officer of this State entering your house and serving therein a process on one of your servants. There could be no question but that this was a breach of privilege; the only one was, how it was to be punished. To ascertain this, I referred your letter to the Attorney General, whose answer I have the honor to enclose you. By this you will perceive, that from the circumstance of your servant's not being registered in the Secretary of State's office, we cannot avail ourselves of the more certain and effectual proceeding which had been provided by an act of Congress

for punishing infractions of the law of nations, that act having thought proper to confine the benefit of its provisions to such domestics only, as should have been registered. We are to proceed, therefore, as if that act had never been made, and the Attorney General's letter indicates two modes of proceeding. 1. By a warrant before a single magistrate, to recover the money paid by the servant under a process declared void by law. Herein the servant must be the actor, and the government not intermeddle at all. The smallness of the sum to be re-demanded will place this cause in the class of those in which no appeal to the higher tribunal is permitted, even in the case of manifest error, so that if the magistrate should err, the government has no means of correcting the error. 2. The second mode of proceeding would be, to indict the officer in the Supreme Court of the United States; with whom it would rest to punish him at their discretion, in proportion to the injury done and the malice from which it proceeded; and it would end in punishment alone, and not in a restitution of the money. In this mode of proceeding, the government of the United States is actor, taking the management of the cause into its own hands, and giving you no other trouble than that of bearing witness to such material facts as may not be otherwise supported. You will be so good as to decide in which of these two ways you would choose the proceeding should be; if the latter, I will immedi-

ately take measures for having the offender prosecuted according to law.

I have the honor to be, with sentiments of respect, Sir, your most obedient, and most humble servant.

TO HIS EXCELLENCY THE GOVERNOR OF GEORGIA.

PHILADELPHIA, July 3, 1792.

SIR,—I have the honor to enclose to your Excellency, the copy of a letter I have received from his Catholic Majesty's representatives here, in consequence of a complaint from the Governor of Florida, that three inhabitants of the State of Georgia, to wit, Thomas Harrison, David Rees, and William Ewin, had entered the Spanish territory and brought from thence five negro slaves, the property of John Blackwood, a Spanish subject, without his consent, in violation of the rights of that State and the peace of the two countries. I had formerly had the honor of sending you a copy of the convention entered into between the said Governor and Mr. Leagrove, on the part of the United States for the mutual restitution of fugitive slaves. I now take the liberty of requesting your Excellency to inform me what is done, or likely to be done with you for the satisfaction of the Spanish government in this instance. Nobody knows better than your Excellency the importance of restraining individuals from committing the peace and honor of the two nations, and I am persuaded that nothing will be

wanting on your part to satisfy the just expectations of the government of Florida on the present occasion. I have the honor to be, with great respect, your Excellency's most obedient, and most humble servant.

TO MESSRS. DE VIAR AND JAUDENES.

PHILADELPHIA, July 9, 1792.

GENTLEMEN,—Information has been received that the government of West Florida has established an agent within the territory of the United States, belonging to the Creek Indians, and it is even pretended that that agent has excited those Indians to oppose the making a boundary between their district and that of the citizens of the United States. The latter is so inconsistent with the dispositions to friendship and good neighborhood which Spain has always expressed towards us, with that concert of interest which would be so advantageous to the two nations, and which we are disposed sincerely to promote, that we find no difficulty in supposing it erroneous. The sending an agent within our limits we presume has been done without the authority or knowledge of your Government. It has certainly been the usage, where one nation has wished to employ agents of any kind within the limits of another, to obtain the permission of that other, and even to regulate by convention and on principles of reciprocity, the functions to be exer-

cised by such agents. It is not to a nation whose dominions are circumstanced as those of Spain in our neighborhood, that we need develop the inconveniences of permitting reciprocally the unlicensed mission of agents into the territories of each other. I am persuaded nothing more is necessary than to bring the fact under the notice of your Government in order to its being rectified, which is the object of my addressing you on this occasion; with every assurance that you will make the proper communications on the subject to your court. I have the honor to be, with sentiments of perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO COLONEL DAVID HUMPHREYS.

PHILADELPHIA, July 12, 1792.

DEAR SIR,—We have been very long indeed without any vessel going from this port to Lisbon. This is the reason why I have been so long without acknowledging the receipt of your letters. Your Nos. from 45 to 53 inclusive are received, except No. 52, not yet come to hand. The President set out yesterday for Virginia, and I shall follow him to-morrow. During my absence the public papers will be forwarded to you by every opportunity by Mr. Taylor, with whom this letter is left, as we know of no present opportunity of forwarding it. The State of Vermont has lately taken some decisive

step to extend its jurisdiction nearer to the British ports than has hitherto been done. This has produced a complaint from Mr. Hammond. We shall endeavor to keep things quiet, in hopes of voluntary justice from them. We shall probably have no campaign this year against the Indians. There are some hopes they will accept of peace, and the rather as we have never asked anything in return for it. We really wish not to hurt them. I need not repeat occurrences which you will see in the gazettes. I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO HIS EXCELLENCY GOVERNOR LEE.

MONTICELLO, August 13, 1792.

SIR,—It was not till yesterday that I was honored with the receipt of yours of July 23d, or it should have been sooner answered. I am of opinion that all communications between nations should pass through the channels of their Executives. However, in the instance of condolence on the death of Dr. Franklin, the letter from our General Government was addressed to the President of the National Assembly; so was a letter from the Legislature of Pennsylvania, containing congratulations on the achievement of liberty to the French nation. I have not heard that, in either instance, their Executive took it amiss that they were not made the

channel of communication. Perhaps, therefore, this method may at present be the safest, as it is not quite certain that the sentiments of their executive and legislative are exactly the same on the subject on which you have to address them. I cannot better justify the honor of your consultation than by thus giving you my ideas without reserve, and beg you to be assured of the sentiments of respect and esteem, with which I have the honor to be, your Excellency's most obedient, and most humble servant.

TO MR. PALESKE.

MONTICELLO, August 19, 1792.

SIR,—I have received at this place your favor of the 9th instant, wherein you request, that agreeably to the treaty of commerce between the United States and his Prussian Majesty, his consul general be acknowledged as belonging to a most favored nation; that the privileges and immunities due to a consul general of the most favored nation be granted to his consul general, and that commissioners be appointed to regulate, by particular convention, the functions of the consuls and vice-consuls of the respective nations.

Treaties of the United States duly made and ratified, as is that with his Prussian Majesty, constitute a part of the law of the land, and need only promulgation to oblige all persons to obey them,

and to entitle all to those privileges which such treaties confer. That promulgation having taken place, no other act is necessary or proper on the part of our government, according to our rules of proceeding, to give effect to the treaty. This treaty, however, has not specified the privileges or functions of consuls; it has only provided that these "shall be regulated by particular agreement." To the proposition to proceed as speedily as possible to regulate these functions by a convention, my absence from the seat of government does not allow me to give a definitive answer. I know, in general, that it would be agreeable to our government, on account of the recent changes in its form, to suspend for awhile the contracting specific engagements with foreign nations, until something more shall be seen of the direction it will take, and of its mode of operation, in order that our engagements may be so moulded to that, as to insure the exact performance of them which we are desirous ever to observe. Should this be the sentiment of our government on the present occasion, the friendship of his Prussian Majesty is a sufficient reliance to us for that delay which our affairs might require for the present; and the rather, as his vessels are not yet in the habit of seeking our ports, and for the few cases which may occur for some time, our own laws, copied mostly in this respect from those of a very commercial nation, have made the most material of those provisions which could be admitted into a

special convention for the protection of vessels, their crews and cargoes, coming hither. We shall on this, however, and every other occasion, do everything we can to manifest our friendship to his Prussian Majesty and our desire to promote commercial intercourse with his subjects; and of this, we hope, he will be fully assured.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

TO THE MINISTER PLENIPOTENTIARY OF FRANCE.

August 27, 1792.

SIR,—Your letter of the 2d instant, informing me that the Legislative body, on the proposition of the King of the French, had declared war against the King of Hungary and Bohemia, has been duly received, and is laid before the President of the United States; and I am authorized to convey to you the expression of the sincere concern we feel on learning that the French nation, to whose friendship and interests we have the strongest attachment, are now to encounter the evils of war. We offer our prayers to Heaven that its duration may be short, and its course marked with as few as may be of those calamities which render the condition of war so afflicting to humanity, and we add assurances that, during its course, we shall continue in the same friendly dispositions, and render all those

good offices which shall be consistent with the duties of a neutral nation.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, September 9, 1792.

DEAR SIR,—I received on the 2d instant the letter of August 23d, which you did me the honor to write me; but the immediate return of our post, contrary to his custom, prevented my answer by that occasion. The proceedings of Spain, mentioned in your letter, are really of a complexion to excite uneasiness, and a suspicion that their friendly overtures about the Mississippi, have been merely to lull us while they should be strengthening their holds on that river. Mr. Carmichael's silence has been long my astonishment; and however it might have justified something very different from a new appointment, yet the public interest certainly called for his junction with Mr. Short, as it is impossible but that his knowledge of the ground of negotiation, of persons and characters, must be useful and even necessary to the success of the mission. That Spain and Great Britain may understand one another on our frontiers is very possible; for however opposite their interests or disposition may be in the affairs of Europe, yet while these do not call

them into opposite action, they may concur as against us. I consider their keeping an agent in the Indian country as a circumstance which requires serious interference on our part; and I submit to your decision whether it does not furnish a proper occasion to us to send an additional instruction to Messrs. Carmichael and Short to insist on a mutual and formal stipulation to forbear employing agents or pensioning any persons within each other's limits; and if this be refused, to propose the contrary stipulation, to wit, that each party may freely keep agents within the Indian territories of the other, in which case we might soon sicken them of the license.

I now take the liberty of proceeding to that part of your letter wherein you notice the internal dissensions which have taken place within our government, and their disagreeable effect on its movements. That such dissensions have taken place is certain, and even among those who are nearest to you in the administration. To no one have they given deeper concern than myself; to no one equal mortification at being myself a part of them. Though I take to myself no more than my share of the general observations of your letter, yet I am so desirous ever that you should know the whole truth, and believe no more than the truth, that I am glad to seize every occasion of developing to you whatever I do or think relative to the government; and shall, therefore, ask permission to be more lengthy now

than the occasion particularly calls for, or could otherwise perhaps justify.

When I embarked in the government, it was with a determination to intermeddle not at all with the Legislature, and as little as possible with my co-departments. The first and only instance of variance from the former part of my resolution, I was duped into by the Secretary of the Treasury, and made a tool for forwarding his schemes, not then sufficiently understood by me; and of all the errors of my political life, this has occasioned me the deepest regret. It has ever been my purpose to explain this to you, when, from being actors on the scene, we shall have become uninterested spectators only. The second part of my resolution has been religiously observed with the War Department; and as to that of the Treasury, has never been further swerved from than by the mere enunciation of my sentiments in conversation, and chiefly among those who, expressing the same sentiments, drew mine from me. If it has been supposed that I have ever intrigued among the members of the Legislature to defeat the plans of the Secretary of the Treasury, it is contrary to all truth. As I never had the desire to influence the members, so neither had I any other means than my friendships, which I valued too highly to risk by usurpation on their freedom of judgment, and the conscientious pursuit of their own sense of duty. That I have utterly, in my private conversations, disapproved of the

system of the Secretary of the Treasury, I acknowledge and avow; and this was not merely a speculative difference. His system flowed from principles adverse to liberty, and was calculated to undermine and demolish the Republic, by creating an influence of his department over the members of the Legislature. I saw this influence actually produced, and its first fruits to be the establishment of the great outlines of his project by the votes of the very persons who, having swallowed his bait, were laying themselves out to profit by his plans; and that had these persons withdrawn, as those interested in a question ever should, the vote of the disinterested majority was clearly the reverse of what they made it. These were no longer the votes then of the representatives of the people, but of deserters from the rights and interests of the people; and it was impossible to consider their decisions, which had nothing in view but to enrich themselves, as the measures of the fair majority, which ought always to be respected. If, what was actually doing, begat uneasiness in those who wished for virtuous government, what was further proposed was not less threatening to the friends of the Constitution. For, in a report on the subject of manufactures, (still to be acted on,) it was expressly assumed that the General Government has a right to exercise all powers which may be for the *general welfare*, that is to say, all the legitimate powers of government; since no government has a legitimate right to do

what is not for the welfare of the governed. There was, indeed, a sham limitation of the universality of this power *to cases where money is to be employed.* But about what is it that money cannot be employed? Thus the object of these plans, taken together, is to draw all the powers of government into the hands of the general Legislature, to establish means for corrupting a sufficient corps in that Legislature to divide the honest votes, and preponderate, by their own, the scale which suited, and to have the corps under the command of the Secretary of the Treasury, for the purpose of subverting, step by step, the principles of the Constitution which he has so often declared to be a thing of nothing, which must be changed. Such views might have justified something more than mere expressions of dissent, beyond which, nevertheless, I never went. Has abstinence from the department, committed to me, been equally observed by him? To say nothing of other interferences equally known, in the case of the two nations, with which we have the most intimate connections, France and England, my system was to give some satisfactory distinctions to the former, of little cost to us, in return for the solid advantages yielded us by them; and to have met the English with some restrictions which might induce them to abate their severities against our commerce. I have always supposed this coincided with your sentiments. Yet the Secretary of the Treasury, by his cabals with members of the Legis-

lature, and by high-toned declamations on other occasions, has forced down his own system, which was exactly the reverse. He undertook, of his own authority, the conferences with the ministers of those two nations, and was, on every consultation, provided with some report of a conversation with the one or the other of them, adapted to his views. These views, thus made to prevail, their execution fell, of course, to me; and I can safely appeal to you, who have seen all my letters and proceedings, whether I have not carried them into execution as sincerely as if they had been my own, though I ever considered them as inconsistent with the honor and interest of our country. That they have been inconsistent with our interest is but too fatally proved by the stab to our navigation given by the French. So that if the question be by whose fault is it that Colonel Hamilton and myself have not drawn together? the answer will depend on that to two other questions, whose principles of administration best justify, by their purity, conscientious adherence? and which of us has, notwithstanding, stepped farthest into the control of the department of the other?

To this justification of opinions, expressed in the way of conversation, against the views of Colonel Hamilton, I beg leave to add some notice of his late charges against me in Fenno's Gazette; for neither the style, matter, nor venom of the pieces alluded to, can leave a doubt of their author. Spell-

ing my name and character at full length to the public, while he conceals his own under the signature of "An American," he charges me, 1st. With having written letters from Europe to my friends to oppose the present Constitution, while depending. 2d. With a desire of not paying the public debt. 3d. With setting up a paper to decry and slander the government. 1st. The first charge is most false. No man in the United States, I suppose, approved of every tittle in the Constitution: no one, I believe, approved more of it than I did, and more of it was certainly disapproved by my accuser than by me, and of its parts most vitally republican. Of this the few letters I wrote on the subject (not half a dozen I believe) will be a proof; and for my own satisfaction and justification, I must tax you with the reading of them when I return to where they are. You will there see that my objection to the Constitution was, that it wanted a bill of rights securing freedom of religion, freedom of the press, freedom from standing armies, trial by jury, and a constant habeas corpus act. Colonel Hamilton's was, that it wanted a king and house of lords. The sense of America has approved my objection and added the bill of rights, not the king and lords. I also thought a longer term of service, insusceptible of renewal, would have made a President more independent. My country has thought otherwise, I have acquiesced implicitly. He wishes the General Government should have power to make laws

binding the States in all cases whatsoever. Our country has thought otherwise: has he acquiesced? Notwithstanding my wish for a bill of rights, my letters strongly urged the adoption of the Constitution, by nine States at least, to secure the good it contained. I at first thought that the best method of securing the bill of rights would be for four States to hold off till such a bill should be agreed to. But the moment I saw Mr. Hancock's proposition to pass the Constitution as it stood, and give perpetual instructions to the representatives of every State to insist on a bill of rights, I acknowledged the superiority of his plan, and advocated universal adoption. 2d. The second charge is equally untrue. My whole correspondence while in France, and every word, letter and act on the subject, since my return, prove that no man is more ardently intent to see the public debt soon and sacredly paid off than I am. This exactly marks the difference between Colonel Hamilton's views and mine, that I would wish the debt paid to-morrow; he wishes it never to be paid, but always to be a thing wherewith to corrupt and manage the Legislature. 3d. I have never enquired what number of sons, relatives and friends of Senators, Representatives, printers or other useful partisans Colonel Hamilton has provided for among the hundred clerks of his department, the thousand excisemen, at his nod, and spread over the Union; nor could ever have imagined that the man who

has the shuffling of millions backwards and forwards from paper into money and money into paper, from Europe to America, and America to Europe, the dealing out of treasury secrets among his friends in what time and measure he pleases, and who never slips an occasion of making friends with his means, that such an one, I say, would have brought forward a charge against me for having appointed the poet, Freneau, translating clerk to my office, with a salary of 250 dollars a year. That fact stands thus. While the government was at New York I was applied to on behalf of Freneau to know if there was any place within my department to which he could be appointed. I answered there were but four clerkships, all of which I found full, and continued without any change. When we removed to Philadelphia, Mr. Pintard, the translating clerk, did not choose to remove with us. His office then became vacant. I was again applied to there for Freneau, and had no hesitation to promise the clerkship for him. I cannot recollect whether it was at the same time, or afterwards, that I was told he had a thought of setting up a newspaper there. But whether then, or afterwards, I considered it a circumstance of some value, as it might enable me to do, what I had long wished to have done, that is, to have the material parts of the Leyden Gazette brought under your eye, and that of the public, in order to possess yourself and them of a juster view of the affairs of Europe than could

be obtained from any other public source. This I had ineffectually attempted through the press of Mr. Fenno, while in New York, selecting and translating passages myself at first, then having it done by Mr. Pintard, the translating clerk, but they found their way too slowly into Mr. Fenno's papers. Mr. Bache essayed it for me in Philadelphia, but his being a daily paper, did not circulate sufficiently in the other States. He even tried, at my request, the plan of a weekly paper of recapitulation from his daily paper, in hopes that that might go into the other States, but in this too we failed. Freneau, as translating clerk, and the printer of a periodical paper likely to circulate through the States (uniting in one person the parts of Pintard and Fenno), revived my hopes that the thing could at length be effected. On the establishment of his paper, therefore, I furnished him with the Leyden Gazette, with an expression of my wish that he could always translate and publish the material intelligence they contained, and have continued to furnish them from time to time, as regularly as I received them. But as to any other direction or indication of my wish how his press should be conducted, what sort of intelligence he should give, what essays encourage, I can protest, in the presence of heaven, that I never did by myself, or any other, or indirectly, say a syllable, nor attempt any kind of influence. I can further protest, in the same awful presence, that I never did, by myself, or any other, directly

or indirectly, write, dictate or procure any one sentence or sentiment to be inserted *in his, or any other gazette*, to which my name was not affixed or that of my office. I surely need not except here a thing so foreign to the present subject as a little paragraph about our Algerine captives, which I put once into Fenno's paper. Freneau's proposition to publish a paper, having been about the time that the writings of Publicola, and the discourses on Davila, had a good deal excited the public attention, I took for granted from Freneau's character, which had been marked as that of a good whig, that he would give free place to pieces written against the aristocratical and monarchical principles these papers had inculcated. This having been in my mind, it is likely enough I may have expressed it in conversation with others, though I do not recollect that I did. To Freneau I think I could not, because I had still seen him but once, and that was at a public table, at breakfast, at Mrs. Elsworth's, as I passed through New York the last year. And I can safely declare that my expectations looked only to the chastisement of the aristocratical and monarchical writers, and not to any criticisms on the proceedings of government. Colonel Hamilton can see no motive for any appointment, but that of making a convenient partisan. But you, Sir, who have received from me recommendations of a Rittenhouse, Barlow, Paine, will believe that talents and science are sufficient motives

with me in appointments to which they are fitted; and that Freneau, as a man of genius, might find a preference in my eye to be a translating clerk, and make good title to the little aids I could give him as the editor of a gazette, by procuring subscriptions to his paper, as I did some before it appeared, and as I have with pleasure done for the labors of other men of genius. I hold it to be one of the distinguishing excellences of elective over hereditary successions, that the talents which nature has provided in sufficient proportion, should be selected by the society for the government of their affairs, rather than that this should be transmitted through the loins of knaves and fools, passing from the debauches of the table to those of the bed. Colonel Hamilton, alias "Plain Facts," says, that Freneau's salary began before he resided in Philadelphia. I do not know what quibble he may have in reserve on the word "residence." He may mean to include under that idea the removal of his family; for I believe he removed himself, before his family did, to Philadelphia. But no act of mine gave commencement to his salary before he so far took up his abode in Philadelphia, as to be sufficiently in readiness for the duties of the office. As to the merits or demerits of his paper, they certainly concern me not. He and Fenno are rivals for the public favor. The one courts them by flattery, the other by censure, and I believe it will be admitted that the one has been as servile, as the other severe.

But is not the dignity, and even decency of government committed, when one of its principal ministers enlists himself as an anonymous writer or paragraphist for either the one or the other of them? No government ought to be without censors; and where the press is free, no one ever will. If virtuous, it need not fear the fair operation of attack and defence. Nature has given to man no other means of sifting out the truth, either in religion, law, or politics. I think it as honorable to the government neither to know, nor notice, its sycophants or censors, as it would be undignified and criminal to pamper the former and persecute the latter. So much for the past, a word now of the future.

When I came into this office, it was with a resolution to retire from it as soon as I could with decency. It pretty early appeared to me that the proper moment would be the first of those epochs at which the Constitution seems to have contemplated a periodical change or renewal of the public servants. In this I was confirmed by your resolution respecting the same period; from which, however, I am happy in hoping you have departed. I look to that period with the longing of a wave-worn mariner, who has at length the land in view, and shall count the days and hours which still lie between me and it. In the meanwhile, my main object will be to wind up the business of my office, avoiding as much as possible all new enterprise. With the affairs of the Legislature, as I never did

intermeddle, so I certainly shall not now begin. I am more desirous to predispose everything for the repose to which I am withdrawing, than expose it to be disturbed by newspaper contests. If these, however, cannot be avoided altogether, yet a regard for your quiet will be a sufficient motive for my deferring it till I become merely a private citizen, when the propriety or impropriety of what I may say or do, may fall on myself alone. I may then, too, avoid the charge of misapplying that time which now, belonging to those who employ me, should be wholly devoted to their service. If my own justification, or the interests of the republic shall require it, I reserve to myself the right of then appealing to my country, subscribing my name to whatever I write, and using with freedom and truth the facts and names necessary to place the cause in its just form before that tribunal. To a thorough disregard of the honors and emoluments of office, I join as great a value for the esteem of my countrymen, and conscious of having merited it by an integrity which cannot be reproached, and by an enthusiastic devotion to their rights and liberty, I will not suffer my retirement to be clouded by the slanders of a man whose history, from the moment at which history can stoop to notice him, is a tissue of machinations against the liberty of the country which has not only received and given him bread, but heaped its honors on his head. Still, however, I repeat the hope that it will not be necessary to

make such an appeal. Though little known to the people of America, I believe, that as far as I am known, it is not as an enemy to the Republic, nor an intriguer against it, nor a waster of its revenue, nor prostitutor of it to the purposes of corruption, as the "American" represents me; and I confide that yourself are satisfied that as to dissensions in the newspapers, not a syllable of them has ever proceeded from me, and that no cabals or intrigues of mine have produced those in the Legislature, and I hope I may promise both to you and myself, that none will receive aliment from me during the short space I have to remain in office, which will find ample employment in closing the present business of the department.

Observing that letters written at Mount Vernon on the Monday, and arriving at Richmond on the Wednesday, reach me on Saturday, I have now the honor to mention that the 22d instant will be the last of our post days that I shall be here, and consequently that no letter from you after the 17th, will find me here. Soon after that I shall have the honor of receiving at Mount Vernon your orders for Philadelphia, and of there also delivering you the little matter which occurs to me as proper for the opening of Congress, exclusive of what has been recommended in former speeches, and not yet acted on. In the meantime and ever I am, with great and sincere affection and respect, dear Sir, your most obedient, and most humble servant.

TO ARCHIBALD STUART, ESQ.

MONTICELLO, September 9, 1792.

DEAR SIR,—I wrote you a long letter from Philadelphia early in the summer, which would not have been worth recurring to, but that I therein asked the favor of you to sound Mr. Henry on the subject you had written to me on, to wit, the amendment of our Constitution, and to find whether he would not approve of the specific amendments therein mentioned, in which case the business would be easy. If you have had any conversation with him on the subject, I will thank you for the result. As I propose to return from my present office at the close of the ensuing session of Congress, and to fix myself once more at home, I begin to feel a more immediate interest in having the Constitution of our country fixed, and in such a form as will ensure a somewhat greater certainty to our laws, liberty and property, the first and last of which are now pretty much afloat, and the second not out of the reach of every enterprise. I set out for Philadelphia about the 20th, and would, therefore, be happy to hear from you before that. I am, with great and sincere esteem, dear Sir, your constant friend and servant.

TO CHARLES CLAY.

MONTICELLO, September 11, 1792.

DEAR SIR,—Your favor of August 8th, came duly to hand, and I should with pleasure have done what you therein desired, as I ever should what would serve or oblige you; but from a very early moment of my life I determined never to intermeddle with elections of the people, and have invariably adhered to this determination. In my own county, where there have been so many elections in which my inclinations were enlisted, I yet never interfered. I could the less do it in the present instance, your people so very distant from me, utterly unknown to me, and to whom I am also unknown; and above all, I a stranger, to presume to recommend one who is well known to them. The people could not but put this question to me, "who are you, pray?" In writing the letter to you on the former occasion, I went further than I had ever before done, but that was addressed to yourself to whom I had a right to write, and not to persons either unknown to me, or very capable of judging for themselves. I have so much reliance on your friendship and candor as not to doubt you will approve of my sentiments on this occasion, and be satisfied they flow from considerations respecting myself only, and not you to whom I am happy on every occasion of testifying my esteem. I hope to see you in Bedford about May next, and am with

great attachment, dear Sir, your friend and servant.

TO EDMUND RANDOLPH, ESQ.

MONTICELLO, September 17, 1792.

MY DEAR SIR,—The last post brought me your favor of the 26th of August; but it brought me at the same time so much business to be answered by return of post, and which did not admit of delay, that I was obliged to postpone the acknowledgment of yours. I thank you sincerely for what respects myself. Though I see the pen of the Secretary of the Treasury plainly in the attack on me, yet, since he has not chosen to put his name to it, I am not free to notice it as his. I have preserved through life a resolution, set in a very early part of it, never to write in a public paper without subscribing my name, and to engage openly an adversary who does not let himself be seen, is staking all against nothing. The indecency, too, of newspaper squabbling between two public ministers, besides my own sense of it, has drawn something like an injunction from another quarter. Every fact alleged under the signature of "An American" as to myself, is false, and can be proved so; and perhaps will be one day. But for the present, lying and scribbling must be free to those mean enough to deal in them, and in the dark. I should have been setting out to Philadelphia within a day or two; but the addition of a grandson and indisposition of my daughter, will probably

detain me here a week longer. My best respects to Mrs. Randolph, and am, with great and sincere esteem, dear Sir, your affectionate friend and servant.

TO THE PRESIDENT OF THE UNITED STATES.

MONTICELLO, September 18, 1792.

DEAR SIR,—Your express is this moment arrived with the Proclamation on the proceedings against the laws for raising a revenue on distilled spirits, and I return it herein enclosed with my signature. I think if, instead of the words "to render laws dictated by weighty reasons of public exigency and policy as acceptable as possible," it stood "to render the laws as acceptable as possible," it would be better. I see no other particular expressions which need alteration. I am sincerely sorry to learn that such proceedings have taken place; and I hope the Proclamation will lead the persons concerned into a regular line of application which may end either in an amendment of the law, if it needs it, or in their conviction that it is right. Your most obedient, and most humble servant.

TO C. C. PINCKNEY, ESQ.

PHILADELPHIA, October 8, 1792.

SIR,—I found on my return here three days ago, your favor of April 6th, and am happy to learn from it that the Agricultural Society has adopted

the plan of employing a person at Marseilles to raise and send olive trees to them annually. Their success in South Carolina cannot be doubted, and their value is great. Olive grounds in France rent higher by the acre than those of any other growth in the kingdom, which proves they yield the greatest nett produce. Marseilles is the proper place for your nurseryman to be fixed, because it is the neighborhood of the best olives; and Mr. Cathalan the properest person to whom we can commit the whole superintendence, because he is our consul, is concerned in our commerce, eager to extend it, is a good man, a wealthy one, and has offered his services repeatedly in this business. He was brought up in a counting-house in London, is connected there, and therefore I think that the most convenient place on which to enable him to draw for the expenditures. This may be either by an annual letter of credit to him on some house there for any sum not exceeding fifty guineas, or a standing letter of credit for that annual sum till your further orders. I would advise that he should never be suffered to be in advance for the society, that there may be no motive for his being cool in the business. If you think proper to write to Mr. Cathalan merely to open the correspondence with him, enclosing him a letter of credit, and referring him to me for the mode of conducting the enterprise, I will enclose it to him with proper instructions as to the mode. My reason for this caution is that from my knowl-

edge of circumstances, and from what has already passed between him and me, I can fix him at once as to a moderate scale of expense which I know to be sufficient, and which he might transcend under the idea that this is a public enterprise, supported by powerful and wealthy gentlemen. A copy of my letter shall be sent to you, so that you may make any alterations in the plan which may be agreeable to your ideas of the business, in the course of your future correspondence with Mr. Cathalan; and I shall at all future times be ready to do anything further in my power to promote the object. I am happy that while I was in the olive country I enquired for and procured the best book on the subject of the olive tree, which I now deliver to Mr. Smith for the use of the society. I suspect that the excrescence on your olive trees, described in your letter, is what they call the leprosy, which prevails among these plants I believe in every country. I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, October 12, 1792.

DEAR SIR,—Your favor of August the 7th came to hand on the 6th instant, and gave me the first certain information of your safe arrival. Mr. Otto being about to sail for London, furnishes me with an opportunity of sending the newspapers for yourself

and Mr. Barclay, and I avail myself of it chiefly for this purpose, as my late return from Virginia and the vacation of Congress furnishes little new and important for your information. With respect to the Indian war, the summer has been chiefly employed on our part in endeavoring to persuade them to peace, in an abstinence from all offensive operations, in order to give those endeavors a fairer chance, and in preparation for activity the ensuing season, if they fail. I believe we may say these endeavors have all failed, or probably will do so. The year has been rather a favorable one for our agriculture. The crops of small grain were generally good. Early frosts have a good deal shortened those of tobacco and Indian corn, yet not so as to endanger distress. From the south my information is less certain, but from that quarter you will be informed through other channels. I have a pleasure in noting this circumstance to you, because the difference between a plentiful and a scanty crop more than counterpoises the expenses of any campaign. Five or six plentiful years successively, as we have had, have most sensibly ameliorated the condition of our country, and uniform laws of commerce, introduced by our new government, have enabled us to draw the whole benefits of our agriculture.

I enclose you the copy of a letter from Messrs. Blow and Milhaddo, merchants of Virginia, complaining of the taking away of their sailors on the

coast of Africa, by the commander of a British armed vessel. So many instances of this kind have happened, that it is quite necessary that their government should explain themselves on the subject, and be led to disavow and punish such conduct. I leave to your discretion to endeavor to obtain this satisfaction by such friendly discussions as may be most likely to produce the desired effect, and secure to our commerce that protection against British violence which it has never experienced from any other nation. No law forbids the seaman of any country to engage in time of peace on board a foreign vessel; no law authorizes such seaman to break his contract, nor the armed vessels of his nation to interpose force for his rescue. I shall be happy to hear soon that Mr. B. has gone on the service on which he was ordered.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, October 14, 1792.

GENTLEMEN,—Since my letters of March the 18th and April the 24th (which have been retarded so unfortunately), another subject of conference and convention with Spain has occurred. You know that the frontiers of her provinces, as well as of our States, are inhabited by Indians holding justly the

right of occupation, and leaving to Spain and to us only the claim of excluding other nations from among them, and of becoming ourselves the purchasers of such portions of land, from time to time, as they may choose to sell. We have thought, that the dictates of *interest* as well as *humanity*, enjoined mutual endeavors with those Indians to live in peace with both nations, and we have scrupulously observed that conduct. Our agent with the Indians bordering on the territories of Spain, has a standing instruction to use his best endeavors to prevent them from committing acts of hostility against the Spanish settlements. But whatever may have been the conduct or orders of the government of Spain, that of their officers in our neighborhood has been indisputably unfriendly and hostile to us. The papers enclosed will demonstrate this to you. That the Baron de Carondelet, their chief Governor at New Orleans, has excited the Indians to war on us, that he has furnished them with abundance of arms and ammunition, and promised them whatever more shall be necessary, I have from the mouth of him who had it from his own mouth. In short, that he is the sole source of a great and serious war now burst out upon us, and from Indians who, we know, were in peaceable dispositions towards us till prevailed on by him to commence the war, there remains scarcely room to doubt. It has become necessary that we understand the real policy of Spain in this point. You will, therefore, be pleased

to extract from the enclosed papers such facts as you think proper to be communicated to that court, and enter into friendly but serious expostulations on the conduct of their officers; for we have equal evidence against the commandants of other posts in West Florida, though they being subordinate to Carondelet, we name him as the source. If they disavow his conduct, we must naturally look to their treatment of him as the sole evidence of their sincerity. But we must look further. It is a general rule, that no nation has a right to keep an agent within the limits of another, without the consent of that other, and we are satisfied it would be best for both Spain and us, to abstain from having agents or other persons in our employ or pay among the savages inhabiting our respective territories, whether as subjects or independent. You are, therefore, desired to propose and press a stipulation to that effect. Should they absolutely decline it, it may be proper to let them perceive that as the right of keeping agents exists on both sides or on neither, it will rest with us to reciprocate their own measures. We confidently hope that these proceedings are unauthorized by the government of Spain, and in this hope, we continue in the dispositions formerly expressed to you, of living on terms of the best friendship and harmony with that country, of making their interests in our neighborhood our own, and of giving them every proof of this, except the abandonment of those essential rights which you are instructed to insist on.

I have the honor to be, with great and sincere esteem, Gentlemen, your most obedient, and most humble servant.

TO GOUVERNEUR MORRIS, ESQ.

PHILADELPHIA, October 15, 1792.

SIR,—I have duly received your favor of July 10, No. 4, but no other number preceding or subsequent. I fear, therefore, that some miscarriage has taken place. The present goes to Bordeaux, under cover to Mr. Fenwick, who, I hope, will be able to give it a safe conveyance to you. I observe that you say in your letter, that "the marine department is to treat with you for supplies to St. Domingo." I presume you mean "supplies of *money*," and not that our government is to furnish supplies of *provisions*, specifically, or employ others to do it; this being a business into which they could not enter. The payment of money here, to be employed by their own agents in purchasing the produce of our soil, is a desirable thing. We are informed by the public papers, that the late constitution of France, formally notified to us, is suspended, and a new convention called. During the time of this suspension, and while no legitimate government exists, we apprehend we cannot continue the payments of our debt to France, because there is no person authorized to receive it and to give us an unobjectionable acquittal. You are, therefore, desired to

consider the payment as suspended, until further orders. Should circumstances oblige you to mention this (which it is better to avoid if you can), do it with such solid reasons as will occur to yourself, and accompany it with the most friendly declarations that the suspension does not proceed from any wish in us to delay the payment, the contrary being our wish, nor from any desire to embarrass or oppose the settlement of their government in that way in which their nation shall desire it; but from our anxiety to pay this debt justly and honorably, and to the persons really authorized by the nation (to whom we owe it) to receive it for their use. Nor shall this suspension be continued one moment after we can see our way clear out of the difficulty into which their situation has thrown us. That they may speedily obtain liberty, peace, and tranquillity, is our sincere prayer.

The present summer is employed by us in endeavors to persuade the Indians to peace, and to prepare for the ensuing campaign, if our endeavors for peace should fail. That they will fail, we have reason to expect, and consequently that the expenses of our armament are to continue for some time. Another plentiful year added to the several others which we have successively had, is some consolation under these expenses. Very early frosts, indeed, have somewhat shortened the productions of the autumn.

I have the honor to be, with great respect and

esteem, dear Sir, your most obedient, and most humble servant.

TO MONSIEUR DE TERNANT.

PHILADELPHIA, October 16, 1792.

SIR,—I am to acknowledge the receipt of your letter of the 9th instant, proposing a stipulation for the abolition of the practice of privateering in times of war. The benevolence of this proposition is worthy of the nation from which it comes, and our sentiments on it have been declared in the treaty to which you are pleased to refer, as well as in some others which have been proposed. There are in those treaties some other principles which would probably meet the approbation of your government, as flowing from the same desire to lessen the occasions and the calamities of war. On all of these, as well as on those amendments to our treaty of commerce which might better its conditions with both nations, and which the National Assembly of France has likewise brought into view on a former occasion, we are ready to enter into negotiation with you, only proposing to take the whole into consideration at once. And while contemplating provisions which look to the event of war, we are happy in feeling a conviction that it is yet at a great distance from us, and in believing that the sentiments of sincere friendship which we bear to the nation of France are reciprocated on their part. Of these our dispositions,

be so good as to assure them on this and all other occasions; and to accept yourself those sentiments of esteem and respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

TO MESSRS. VIAR AND JAUDENES, COMMISSIONERS OF SPAIN.

PHILADELPHIA, November 1, 1792.

GENTLEMEN,—I have now to acknowledge the receipt of your favor of October the 29th, which I have duly laid before the President of the United States; and in answer thereto, I cannot but observe that some parts of its contents were truly unexpected. On what foundation it can be supposed that we have menaced the Creek nation with destruction during the present autumn, or at any other time, is entirely inconceivable. Our endeavors, on the contrary, to keep them at peace, have been earnest, persevering and notorious, and no expense has been spared which might attain that object. With the same views to peace, we have suspended, now more than a twelvemonth, the marking a boundary between them and us, which had been fairly, freely and solemnly established with the chiefs whom they had deputed to treat with us on that subject; we have suspended it, I say, in the constant hope that taking time to consider it in the councils of their nation, and recognizing the justice

and reciprocity of its conditions, they would at length freely concur in carrying it into execution. We agree with you, that the interests which either of us have in the proceedings of the other with this nation of Indians, is a proper subject of discussion at the negotiations to be opened at Madrid, and shall accordingly give the same in charge to our commissioners there. In the meantime, we shall continue sincerely to cultivate the peace and prosperity of all the parties, being constant in the opinion, that this conduct, reciprocally observed, will most increase the happiness of all.

I have the honor to be, with sentiments of great esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, November 2, 1792.

SIR,—The letter of October the 29th, from Messrs. Viar and Jaudenes, not expressing the principle on which their government interests itself between the United States and the Creeks, I thought it of importance to have it ascertained. I therefore called on those gentlemen, and entered into explanations with them. They assured me, in our conversation, that supposing all question of boundary to be out of the case, they did not imagine their government would think themselves authorized to take under their protection, any nations of Indians

living within limits confessed to be ours; and they presumed that any interference of theirs, with respect to the Creeks, could only arise out of the question of disputed territory, now existing between us; that, on this account, some part of our treaty with the Creeks had given dissatisfaction. They said, however, that they were speaking from their own sentiments only, having no instructions which would authorize them to declare those of their court; but that they expected an answer to their letters covering mine of July the 9th, (erroneously cited by them as of the 11th,) from which they would probably know the sentiments of their court. They accorded entirely in the opinion, that it would be better that the two nations should mutually endeavor to preserve each the peace of the other, as well as their own, with the neighboring tribes of Indians.

I shall avail myself of the opportunity by a vessel which is to sail in a few days, of sending proper information and instructions to our commissioners on the subject of the late, as well as of the future, interferences of the Spanish officers to our prejudice with the Indians, and for the establishment of common rules of conduct for the two nations.

I have the honor to be, with the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

TO MESSRS. CARMICHAEL AND SHORT.

PHILADELPHIA, November 3, 1792.

GENTLEMEN,—I wrote you on the 14th of last month; since which some other incidents and documents have occurred, bearing relation to the subject of that letter. I therefore now enclose you a duplicate of that letter.

Copy of a letter from the Governor of Georgia, with the deposition it covered of a Mr. Hull, and an original passport, signed by Olivier, wherein he styles himself commissary for his Catholic Majesty with the Creeks.

Copy of a letter from Messrs. Viar and Jaudenes to myself, dated October the 29th, with that of the extract of a letter of September the 24th, from the Baron de Carondelet to them.

Copy of my answer of No. 1, to them, and copy of a letter from myself to the President, stating a conversation with those gentlemen.

From those papers you will find that we have been constantly endeavoring, by every possible means, to keep peace with the Creeks; that in order to do this, we have even suspended and still suspend the running a fair boundary between them and us, as agreed on by themselves, and having for its object the precise definition of their and our lands, so as to prevent encroachment on either side, and that we have constantly endeavored to keep them at peace with the Spanish settlements also; that Spain

on the contrary, or at least the officers of her governments, since the arrival of the Baron de Carondelet, have undertaken to keep an agent among the Creeks, have excited them and the other southern Indians to commence a war against us, have furnished them with arms and ammunition for the express purpose of carrying on that war, and prevented the Creeks from running the boundary which would have removed the cause of difference from between us. Messrs. Viar and Jaudenes explain the ground of interference on the fact of the Spanish claim to that territory, and on an article in our treaty with the Creeks, putting themselves under our protection. But besides that you already know the nullity of their pretended claim to the territory, they had themselves set the example of endeavoring to strengthen that claim by the treaty mentioned in the letter of the Baron de Carondelet, and by the employment of an agent among them. The establishment of our boundary, committed to you, will, of course, remove the grounds of all future pretence to interfere with the Indians *within our territory*, and it was to such only that the treaty of New York stipulated protection; for we take for granted, that Spain will be ready to agree to the principle, that neither party has a right to stipulate protection or interference with the Indian nations inhabiting the territory of the other. But it is extremely material also, with sincerity and good faith, to patronize the peace of each other with the neigh-

boring savages. We are quite disposed to believe that the late wicked excitements to war, have proceeded from the Baron de Carondelet himself, without any authority from his court. But if so, have we not reason to expect the removal of such an officer from our neighborhood, as an evidence of the disavowal of his proceedings? He has produced against us a serious war. He says in his letter, indeed, that he has suspended it. But this he has not done, nor possibly can he do it. The Indians are more easily engaged in a war than withdrawn from it. They have made the attack in force on our frontiers, whether with or without his consent, and will oblige us to a severe punishment of their aggression. We trust that you will be able to settle principles of a friendly concert between us and Spain, with respect to the neighboring Indians; and if not, that you will endeavor to apprize us of what we may expect, that we may no longer be tied up by principles, which, in that case, would be inconsistent with duty and self-preservation.

I have the honor to be, with sentiments of perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

TO THE PRESIDENT OF THE UNITED STATES.

PHILADELPHIA, November 3, 1792.

SIR,—In order to enable you to lay before Congress the account required by law of the application

of the moneys appropriated to foreign purposes through the agency of the Department of State, I have now the honor to transmit to you the two statements, Nos. 1 and 2, herein enclosed, comprehending the period of two years preceding the 1st day of July last.

The first statement is of the sums paid from the Treasury under the act allowing the annual fund of $40,000 for the purpose of foreign intercourse, as also under the acts of March 3, 1791, c. 16, and May, 1792, c. 41, 5, 3, allowing other sums for special purposes. By this it will appear, that, except the sum of $500 paid to Colonel Humphreys on his departure, the rest has all been received in bills of exchange, which identical bills have been immediately remitted to Europe, either to those to whom they were due for services, or to the bankers of the United States in Amsterdam, to be paid out by them to persons performing services abroad. This general view has been given in order to transfer the debt of these sums from the Department of State to those to whom they have been delivered.

But in order to give to Congress a view of the specific application of these moneys, the particular accounts rendered by those who have received them, have been analyzed, and the payments made to them have been reduced under general heads, so as to show at one view the amount of the sums which each has received for every distinct species of service or disbursement, as well as their several totals. This is

the statement No. 2, and it respects the annual fund of $40,000 only, the special funds of the acts of 1791 and 1792, having been not yet so far administered as to admit of any statement.

I had presented to the Auditor the statement No. 1, with the vouchers, and also the special accounts rendered by the several persons who have received these moneys, but, on consideration, he thought himself not authorized, by any law, to proceed to their examination. I am, therefore, to hope, Sir, that authority may be given to the Auditor, or some other person, to examine the general account and vouchers of the Department of State, as well as to raise special accounts against the persons into whose hands the moneys pass, and to settle the same from time to time on behalf of the public.

I have the honor to be, with sentiments of the most perfect respect and attachment, Sir, your most obedient, and most humble servant.

Dr. THE DEPARTMENT OF STATE IN ACCOUNT WITH THE U. S.

1790 Aug. 14	To a warrant from the Treasury under the Act for foreign intercourse (1790, July 1)		$ 500
Dec. 20	To the Treasurer's Exchange on Will. V. Staph. & Hub. under do.	× $ 2475.0=1000.	
	To do.	577-10= 233.33	
1791 Mar. 19	To do.	99,000=	40,000
May 7	To do. under Act of March 3, 1791, c. 16	32,175=	13,000
1792 Jan. 27	To do. under Act for foreign intercourse	95,947-10=38,766.67	40,000
		99,000=40,000	
June 30	To do. under the Act of 1792, May 8, c. 41, 5, 3	123,750	50,000
			$143,500

Cr.

1790 Aug. 14	By paid Col. Humphreys on his mission to Madrid, (as by his receipt)	$ 500
Dec. 17	By remittance to Mr. G. Morris, (as by his letter, Feb. 26, 91), the bill per contra for 2475 × =$1000	
	By do. to J. B. Cutting, (as by papers given in to Congress,) the bill per contra for 577-10=$233⅓	
1791 Mar. 19	By do. to Will V. Staphorsts & Hub., (as by their account, June 10, 91,) the bill per contra for 99,000=	40,000
May 13	By do. to do. subject to Humphreys & Barclay, (as by their receipt,) the bill per contra for 32,175=	13,000
1792 Jan. 23	By do. to do., (as by their account, April 10, 92), the bill per contra for 95,947=38,766⅔	
	99,000=40,000	40,000
July 3	By do. to do. subject to J. Pinckney for purposes of Act May 8, 92, the bill per contra for 123,750	50,000
		$143,500

Analyses of the Expenses of the United States for their intercourse with Foreign Nations from July 1, 1790, to July 1, '91, and from July 1, '91, to July 1, '92, taken from the accounts of Messrs. Short, Humphreys, Morris, Pinckney, Willinks, Van Staphorsts, Hubbard, given to the auditor.

1790, July 1—1791, July 1.	Outfit.	Salary.	Secretary.	Postage.	Contingencies, viz., Gazettes, etc., to dept. of state printing, poor seamen, etc.	Total Dollars.
Ordinary,						
Mr. Short		4500.	281.74	72.4	248.96	5,103.10
Col. Humphreys	4500.	1602.73				6,102.73
Mr. Carmichael						3,927.94
Mr. Dumas						1,505.44
						16,639.21
Extraordinary,						
Mission to London					2000.	
" " Amsterdam on the subject of loans					986.18	
" " Madrid					1195.89	
Mr. Cutting special services to American seamen					233.33	4,415.40
Total						21,054.61

1791, July 1—1792, July 1.	Outfit.	Salary.		Postage.	Contingencies.	Total Dollars.
Ordinary,						
Mr. Short	4500.	4500.	.....	68.82	.....	9,068.82
Col. Humphreys	.....	4500.	.....	171.	.....	4,671.
Mr. Carmichael	.....	.....	.....	.....	.....	4,512.20
Mr. Dumas	.....	.....	.....	.....	.....	1,528.32
Mr. Morris	9000.	1500.	.....	.....	.....	10,500.
Mr. Pinckney	9000.	1800.	.....	.....	.....	10,800.
						41,080.34
Extraordinary,						
Mission to Amsterdam on subject of loans					444.43	
" " Madrid					320.	
Dyes for medals as presents to foreign ministers taking leave, and medals					1586.32	2,350.75
Total						43,431.09

Thomas Jefferson having had the honor at different times heretofore of giving to the President *conjectural* estimate of expenses of our foreign establishment, has that of now laying before him, in page 1 of the enclosed paper, a statement of the whole amount of the foreign fund from the commencement to the expiration of the act, which will be on the 3d March next, with the *actual* expenses to the 1st of July last, and the *conjectural* ones from thence through the remaining eight months, and the balance which will probably remain.

Page 2, shows the probable annual expense of our present establishment, and its excess above the funds allowed, and in another column the *reduced* establishment necessary and most proper to bring it within the limits of the funds supposing it should be continued.

November 5, 1792.

Estimate of the funds of $40,000 for foreign intercourse and its application.

1790, July 1, to 1791, July 1, a year's appropriation	$40,000	
1791, July 1, to 1792, July 1, a year's appropriation	40,000	
1792, July 1, to 1793, March 3d, being 8 1-10 months	27,000	
		$107,000
1790, July 1, to 1791, July 1, actual expenses incurred	$21,054.00	
1791, July 1, to 1792, July 2, actual expenses incurred	43,431.09	
1792, July 1, to 1793, March 3d, the probable expenses may be about	26,300.00	
Surplus unexpended will be about	16,214.91	
		$107,000

NOVEMBER 5, 1792.

Estimate of the ordinary expense of the different diplomatic grades annually.

A MINISTER PLENIPOTIARY.		A RESIDENT.		AGENT.	
Outfit 1-7 of $9,000.	1,285.71	Outfit 1-7 of $4,500.	642.85	Salary	1,300
Salary	9,000.	Salary	4,500.	Extras	350
Secretary	1,350.				$1,650
Extras	350.	Extras	350.		
Return 1-7 of $2,250	321.42	Returns 1-7 of $1,125	160.71		
	$12,307.13		$5,653.56		

Medals to foreign ministers, suppose 5 to be kept here and changed once in 7 years, will be about $654.06 annually.

TO SUPPORT THE PRESENT ESTABLISHMENT, WOULD REQUIRE		A REDUCTION OF THE ESTABLISHMENT TO BRING IT WITHIN THE LIMITS OF $40,000.	
For Paris, Minister Plenipot'y	$12,307.13	For Paris, Minister Plenipot'y	$12,307.13
London	12,307.13	London	12,307.13
Madrid, Resident	5,653.56	Madrid, a Resident	5,653.56
Lisbon	5,653.56	Lisbon	5,653.56
Hague	5,653.56	Hague, an Agent	1,650.
Medals to foreign ministers.	654.06.	Medals to ministers	654.06
	$42,229.54	Surplus	1,774.02
			$40,000.00

NOVEMBER 5, 1792.

GENTLEMEN OF THE SENATE,—According to the directions of the law, I now lay before you a statement of the administration of the funds appropriated to certain foreign purposes, together with a letter from the Secretary of State, explaining the same.

NOVEMBER 5, 1792.

TO THE MAYOR, MUNICIPAL OFFICERS AND PROCUREUR OF THE COMMUNITY OF MARSEILLES.

PHILADELPHIA, November 6, 1792.

GENTLEMEN,—Your letter of the 24th of August, is just now received by the President of the United States, and I have it in charge from him to communicate to you the particular satisfaction he feels at the expressions of fraternity towards our nation therein contained, to assure you that he desires sincerely the most speedy relief to France from her general difficulties, and will be happy to be instrumental in removing the special ones of the city of Marseilles in particular, by encouraging supplies of wheat and flour to be sent thither. Our harvest having been plentiful, our merchants would of course feel sufficient inducements, in the assurances you give of a ready sale and good price, were it not for the apprehensions of the Barbary cruisers. Certain arrangements for a Convoy, and the time, place, and manner of getting under its protection, would remove these apprehensions; but it may be doubtful whether these can be notified to them in time to prepare their adventures. They shall certainly, however, be informed of the wants of your city, and the inducements to go to it, and on this, and all other occasions, I beg leave to recommend our commerce to the patronage of your municipality, and to tender to you the homage of those sentiments of respect and attachment, with which I have the honor to be,

Gentlemen, your most obedient, and most humble servant.

TO COLONEL DAVID HUMPHREYS.

PHILADELPHIA, November 6, 1792.

DEAR SIR—We have never known so long an interval during which there has not been a single vessel going to Lisbon. Hence it is that I am so late in acknowledging the receipt of your letters from No. 54 to 58 inclusive, and that I am obliged to do it by the way of London, and consequently cannot send you the newspapers as usual.

The summer has been chiefly passed in endeavoring to bring the north-western Indians to peace, and in preparing for a vigorous operation against them the ensuing summer, if peace should not be made. As yet no symptoms of it appear on their part. In the meantime there is danger of a war being kindled up on our south-western frontiers by the Indians in that quarter, excited, as we have reason to believe, by some Spanish officers. We trust that it has not been with the authority of their government.

To counterbalance these evils, we have had the blessing of another plentiful harvest of the principal grains. Tobacco and Indian corn have suffered from the early frosts. We have very earnest demands for supplies of grain from Marseilles; but the Algerine cruisers are an impediment. Would it be practicable for you, without awaiting a general treaty, to obtain

permission for our *flour* to be carried to Portugal? nothing is more demonstrable than that this restriction is highly injurious to Portugal as well as to us.

Congress assembled yesterday, the President will meet them to-day, and I will enclose you a copy of his speech whereby you will see the chief objects which will be under their consideration during the present session. Your newspapers shall be sent by the very first vessel bound to Lisbon directly. I am, with sentiments of great and sincere esteem, dear Sir, your most obedient, and most humble servant.

P. S. November 7. After writing this letter, your No. 59 came to hand. It seems then that, so far from giving new liberties to our corn trade, Portugal contemplates the prohibition of it, by giving that trade exclusively to Naples. What would she say should we give her wine-trade exclusive to France and Spain. It is well known that far the greatest portion of the wine we consume, is from Portugal and its dependencies, and it must be foreseen that from the natural increase of population in these States, the demand will become equal to the uttermost abilities of Portugal to supply, even when her last foot of land shall be put into culture. Can a wise statesman seriously think of risking such a prospect as this? To me it seems incredible; and if the fact be so, I have no doubt you will interpose your opposition with the minister, developing to him all the consequences which such a measure

would have on the happiness of the two nations. He should reflect that nothing but habit has produced in this country a preference of their wines over the superior wines of France, and that if once that habit is interrupted by an absolute prohibition it will never be recovered.

TO GOUVERNEUR MORRIS.

PHILADELPHIA, November 7, 1792.

DEAR SIR,—My last to you was of the 15th of October; since which I have received your Nos. 1, 2, 3, 5, 6, 7. Though mine went by a conveyance directly to Bordeaux, and may therefore probably get safe to you, yet I think it proper, lest it should miscarry, to repeat to you the following paragraph from it.

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I am perfectly sensible that your situation must, ere this reaches you, have been delicate and difficult; and though the occasion is probably over, and your part taken of necessity, so that instructions now would be too late, yet I think it just to express our sentiments on the subject, as a sanction of what you have probably done. Whenever the scene became personally dangerous to you, it was proper you should leave it, as well from personal as public motives. But what degree of danger should be awaited, to what distance or place you should retire, are circumstances which must rest with your own discretion,

it being impossible to prescribe them from hence. With what kind of government you may do business, is another question. It accords with our principles to acknowledge any government to be rightful, which is formed by the will of the nation substantially declared. The late government was of this kind, and was accordingly acknowledged by all the branches of ours. So, any alteration of it which shall be made by the will of the nation substantially declared, will doubtless be acknowledged in like manner. With such a government *every kind* of business may be done. But there are *some matters* which, I conceive, might be transacted with a government *de facto;* such, for instance, as the reforming the unfriendly restrictions on our commerce and navigation. Such cases you will readily distinguish as they occur. With respect to this particular reformation of their regulations, we cannot be too pressing for its attainment, as every day's continuance gives it additional firmness, and endangers its taking root in their habits and constitution; and, indeed, I think they should be told, as soon as they are in a condition to act, that if they do not revoke the late innovations, we must lay additional and equivalent burthens on *French ships*, by name. Your conduct in the case of M. de Bonne Carrere, is approved entirely. We think it of great consequence to the friendship of the two nations, to have a minister here in whose dispositions we have confidence. Congress assembled the day before yester-

day. I enclose you a paper containing the President's speech, whereby you will see the chief objects of the present session. Your difficulties as to the settlements of our accounts with France and as to the payment of the foreign officers, will have been removed by the letter of the Secretary of the Treasury, of which, for fear it should have miscarried, I now enclose you a duplicate. Should a conveyance for the present letter offer to any port of France directly, your newspapers will accompany it. Otherwise, I shall send it through Mr. Pinckney, and retain the newspapers as usual, for a direct conveyance.

I am, with great and sincere esteem, dear Sir, your most obedient, and most humble servant.

TO COLONEL DAVID HUMPHREYS.

PHILADELPHIA, November 8, 1792.

DEAR SIR,—You were not unapprised of the reluctance with which I came into my present office, and I came into it with a determination to quit it as soon as decency would permit. Nor was it long before I fixed on the termination of our first federal cycle of four years as the proper moment. That moment is now approaching, and is to me as land was to Columbus in his first American voyage. The object of this private letter is to desire that your future public letters may be addressed to the Secretary of State by title and not by name, until you know who he will be, as otherwise your letters

arriving here after the 3d of March, would incur the expense, delay, and risk of travelling six hundred miles by post after their arrival here. I may perhaps take the liberty of sometimes troubling you with a line from my retirement, and shall be ever happy to hear from you, and to give you every proof of the sincere esteem and respect, with which I have the honor to be, dear Sir, your affectionate friend and servant.

P. S. We yesterday received information of the conclusion of peace with the Wabash and Illinois Indians. This forms a broad separation between the northern and southern war-tribes.

TO T. M. RANDOLPH, JR.

PHILADELPHIA, November 16, 1792.

DEAR SIR,—Congress have not yet entered into any important business. An attempt has been made to give further extent to the influence of the Executive over the Legislature, by permitting the heads of departments to attend the House and explain their measures *viva voce*. But it was negatived by a majority of 35 to 11, which gives us some hope of the increase of the republican vote. However, no trying question enables us yet to judge, nor indeed is there reason to expect from this Congress many instances of conversion, though some will probably have been effected by the expression of the public

sentiment in the late election. For, as far as we have heard, the event has been generally in favor of republican, and against the aristocratical candidates. In this State the election has been triumphantly carried by the republicans; their antagonists having got but 2 out of 11 members, and the vote of this State can generally turn the balance. Freneau's paper is getting into Massachusetts, under the patronage of Hancock; and Samuel Adams, and Mr. Ames, the colossus of the monocrats and paper men, will either be left out or hard run. The people of that State are republican: but hitherto they have heard nothing but the hymns and lauds chanted by Fenno. My love to my dear Martha, and am, dear Sir, yours affectionately.

TO MONSIEUR DE TERNANT.

PHILADELPHIA, November 20, 1792.

SIR,—Your letter on the subject of further supplies to the colony of St. Domingo, has been duly received and considered. When the distresses of that colony first broke forth, we thought we could not better evidence our friendship to that and to the mother country also, than to step in to its relief, on your application, without waiting a formal authorization from the National Assembly. As the case was unforeseen, so it was unprovided for on their part, and we did what we doubted not they would have desired us to do, had there been time to make

the application, and what we presumed they would sanction as soon as known to them. We have now been going on more than a twelvemonth, in making advances for the relief of the colony, without having, as yet, received any such sanction; for the decree of four millions of livres in aid of the colony, besides the circuitous and informal manner by which we became acquainted with it, describes and applies to operations very different from those which have actually taken place. The wants of the colony appear likely to continue, and their reliance on our supplies to become habitual. We feel every disposition to continue our efforts for administering to those wants; but that cautious attention to forms which would have been unfriendly in the first moment becomes a duty to ourselves, when the business assumes the appearance of long continuance, and respectful also to the National Assembly itself, who have a right to prescribe the line of an interference so materially interesting to the mother country and the colony.

By the estimate you were pleased to deliver me, we perceive that there will be wanting, to carry the colony through the month of December, between thirty and forty thousand dollars, in addition to the sums before engaged to you. I am authorized to inform you, that the sum of forty thousand dollars shall be paid to your orders at the treasury of the United States, and to assure you, that we feel no abatement in our dispositions to contribute these

aids from time to time, as they shall be wanting, for the necessary subsistence of the colony; but the want of express approbation from the national Legislature, must ere long produce a presumption that they contemplate perhaps other modes of relieving the colony, and dictate to us the propriety of doing only what they shall have regularly and previously sanctioned. Their decree before mentioned, contemplates purchases made *in the United States only*. In this they might probably have in view, as well to keep the business of providing supplies under a single direction, as that these supplies should be bought where they can be had cheapest, and where the same sum will consequently effect the greatest measure of relief to the colony. It is our wish, as undoubtedly it must be yours, that the moneys we furnish be applied strictly in the line they prescribe. We understand, however, that there are in the hands of our citizens, some bills drawn by the administration of the colony, for articles of subsistence *delivered there*. It seems just, that such of them should be paid as were received before *bona fide* notice that that mode of supply was not bottomed on the funds furnished to you by the United States, and we recommend them to you accordingly.

I have the honor to be, with sentiments of the most perfect esteem and respect, Sir, your most obedient, and most humble servant.

TO THOMAS PINCKNEY.

PHILADELPHIA, December 3, 1792.

DEAR SIR,—I do not write you a public letter by the packet because there is really no subject for it. The elections for Congress have produced a decided majority in favor of the republican interest. They complain, you know, that the influence and patronage of the Executive is to become so great as to govern the Legislature. They endeavored a few days ago to take away one means of influence by condemning references to the heads of department. They failed by a majority of five votes. They were more successful in their endeavor to prevent the introduction of a new means of influence, that of admitting the heads of department to deliberate occasionally in the House in explanation of their measures. The proposition for their admission was rejected by a pretty general vote. I think we may consider the tide of this government as now at the fullest, and that it will, from the commencement of the next session of Congress, retire and subside into the true principles of the Constitution. An alarm has been endeavored to be sounded as if the republican interest was indisposed to the payment of the public debt. Besides the general object of the calumny, it was meant to answer the special one of electioneering. Its falsehood was so notorious that it produced little effect. They endeavored with as little success to conjure up the ghost of anti-federal-

ism, and to have it believed that this and republicanism were the same, and that both were Jacobinism. But those who felt themselves republicans and federalists too, were little moved by this artifice; so that the result of the election has been promising. The occasion of electing a Vice-President has been seized as a proper one for expressing the public sense on the doctrines of the monocrats. There will be a strong vote against Mr. Adams, but the strength of his personal worth and his services will, I think, prevail over the demerit of his political creed.

I am, with great and sincere esteem, my dear Sir, your most obedient, and most humble servant.

TO DR. GEORGE GILMER.

PHILADELPHIA, December 15, 1792.

DEAR DOCTOR,—I received only two days ago your favor of October 9, by Mr. Everett. He is now under the small-pox. I am rejoiced with the account he gives me of the invigoration of your system, and am anxious for your persevering in any course of regimen which may long preserve you to us. We have just received the glorious news of the Prussian army being obliged to retreat, and hope it will be followed by some proper catastrophe on them. This news has given wry faces to our monocrats here, but sincere joy to the great body of the citizens. It arrived only in the afternoon of yesterday, and the bells were rung and some illuminations took place

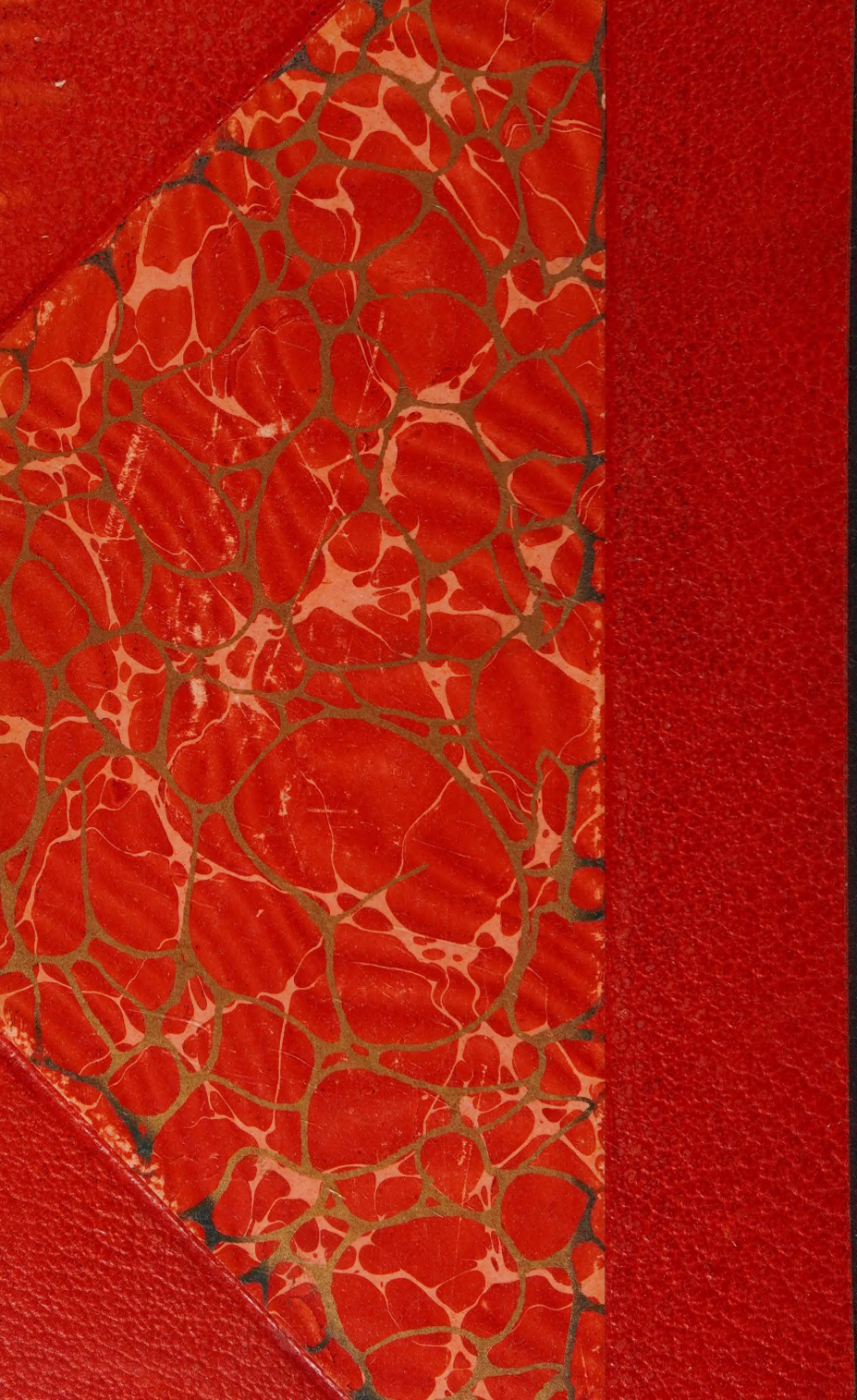
in the evening. A proposition has been made to Congress to begin sinking the public debt by a tax on pleasure horses; that is to say, on all horses not employed for the draught or farm. It is said there is not a horse of that description eastward of New York. And as to call this a *direct tax* would oblige them to proportion it among the States according to the census, they choose to class it among the *indirect taxes*. We have a glimmering hope of peace from the northern Indians, but from those of the south there is danger of war. Wheat is at a dollar and a fifth here. Do not sell yours till the market begins to fall. You may lose a penny or two in the bushel then, but might lose a shilling or two now. Present me affectionately to Mrs. Gilmer. Yours sincerely.

TO JOHN FRANCIS MERCER.

PHILADELPHIA, December 19, 1792.

DEAR SIR,—I received yesterday your favor of the 13th. I had been waiting two or three days in expectation of vessels said to be in the river, and by which we hope more particular accounts of the late affairs in France. It has turned out that there were no such vessels arriving as had been pretended. However I think we may safely rely that the Duke of Brunswick has retreated, and it is certainly possible enough that between famine, disease, and a country abounding with defiles, he may suffer some

considerable catastrophe. The monocrats here still affect to disbelieve all this, while the republicans are rejoicing and taking to themselves the name of Jacobins, which two months ago was fixed on them by way of stigma. The votes for Vice-President, as far as hitherto known, stands thus:

	Adams.	Clinton.
New Hampshire	6	
Massachusetts	16	
Rhode Island	4	
Connecticut	7	
New York		12
Pennsylvania	14	1
Delaware	3	
Maryland	8	
Virginia		21

Bankrupt bill is brought on with some very threatening features to landed and farming men, who are in danger of being drawn into its vortex. It assumes the right of seizing and selling lands, and so cuts the knotty question of the Constitution whether the General Government may direct the transmission of land by descent or otherwise. The post-office is not within my department, but that of the treasury. I note duly what you say of Mr. Skinner, but I don't believe any bill on weights and measures will be passed. Adieu. Yours affectionately.